

**HAWAII STATE**

**HOUSE OF REPRESENTATIVES**

**REGULAR SESSION OF 2015**

***ROUGH DRAFT  
JOURNAL***

**NINETEENTH DAY**

**FEBRUARY 20, 2015**

**OFFICE OF THE CHIEF CLERK**

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## NINETEENTH DAY

Friday, February 20, 2015

The House of Representatives of the Twenty-Eighth Legislature of the State of Hawaii, Regular Session of 2015, convened at 12:11 o'clock p.m., with Speaker Souki presiding.

The invocation was delivered by Representative Jo Jordan, after which the Roll was called showing all Members present.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Seventeenth and Eighteenth Days was deferred.

## GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 538) was received and announced by the Clerk:

Gov. Msg. No. 538, dated February 18, 2015, appointing Ms. Lynn DeCoite to serve as the Representative from the 13th House District.

The Speaker appointed the Sergeant-at-Arms to escort Ms. Lynn DeCoite to the rostrum.

The Speaker then requested that the Chief Justice administer the Oath of Office.

## OATH OF OFFICE

Chief Justice Recktenwald stated:

"Thank you very much, Mr. Speaker, for giving me the honor of being here with you today. Can I just add from the Judiciary our sympathy to Representative Carroll and her family, and just express my personal honor at having had the opportunity to work with a person of such grace, compassion and dignity."

The Honorable Mark E. Recktenwald, Chief Justice of the State of Hawaii, addressed Ms. DeCoite and administered the Oath of Office in accordance with the provisions of the Constitution of the State of Hawaii.

The Speaker then presented to the Members of the House the newest Member of the House, Representative Lynn DeCoite.

KA HUA 'ŌLELO O KA LĀ  
HAWAIIAN WORD FOR THE DAY

Representative Nishimoto presented *Ka Hua 'Ōlelo o Ka Lā*, the Hawaiian Word for the Day, as follows:

"Thank you, Mr. Speaker. I'm honored to give the Hawaiian word of the day. It's fitting for a Friday. Today's word is *nanea*, which means enjoyable, leisure, relaxed, at ease. Used in a sentence, *nanea kākou ke pau ka hana*. We enjoy when the work is done. Thank you, Mr. Speaker."

## INTRODUCTIONS

The following introductions were made to the Members of the House:

Speaker Souki introduced Lieutenant Governor Shan Tsutsui.

Representative Yamashita introduced from Baldwin High School Girls Varsity Softball Team: Coaches and Chaperones: Steven Morton, Bernard "Napa" Kaupe, Brandon Kaupe, Eric Rivera, Reid Kawabata, Miles Sakamura, Al Ricardio and Daniel Pagaduan; Team Organizer and parent: Joy Kaupe; and Team Members: Nawai Kaupe, Niki Kawabata, Cierra

Pagaduan, Sanae Nakoa, Mayumi Kamau, Angelina Bermudez, Lily Bermudez, Lyana Bermudez, Beige Reinhardt, Alyssa Kahiamoe, Kawena Cabrera, Dayna Matsuo, Gabriella Alonso, Jessasha Tanoue-Kekona and Kayla Maka; and Team Member and daughter of Lieutenant Governor Shan Tsutsui: Mikayla Tsutsui.

Representative Nishimoto introduced his friend, Mrs. Sami Takai.

Representative Har introduced Congressman Mark Takai; and his Chief of Staff, Mr. Rod Tanonaka.

Representative Luke introduced former Congresswoman Colleen Hanabusa, Senator Rosalyn Baker, Senator Kalani English and Senator Gilbert Keith-Agaran.

Representative Ing introduced Ms. Khara Jabola-Carolus, advocate for Hawaii Commission on Immigrant Rights; Keani Rawlins-Fernandez, staff of Representative Keohokalole, Mr. Douglas Carolus, businessman in banking, and Dr. Lorene Jabola, psychologist, therapist, historian and writer.

Representative DeCoite rose, stating:

"Mr. Speaker, I would like to recognize my family. My husband, Russell DeCoite. My son, Russell, Jr., my other son, Dillon DeCoite, my daughter Carrie DeCoite, my parents, Linda and George Mokuao. I'd like to thank them for their continued support. At this time I'd also like to say something on the passing of our former Representative, Mele Carroll.

"This is a bittersweet day for me and my family. I know I have some big shoes to fill. I'm grateful for having the opportunity to get to know Representative Carroll. She was not just my Representative, she was my friend and my family. Believe me, I know it's big shoes to fill, and I'm up to the task. I know I have a lot to learn. I'm committed to setting forth with an open mind, and to do the best for District 13 and the people of the State of Hawaii. I'm grateful for the opportunity, I will not take it for granted.

"At the same, Mr. Speaker, if I may, I'd like to recognize in the gallery, my sister Lisa Kahue and her husband Henry Kahue, my other sister Lorna Kamakeeaina, my sister-in-law Melanie DeCoite. My friends and constituents also from Molokai, Charity Kekauoha, Rosie Davis, Beverly Pauole-Moore, Larry and Joann Tool, Michelle Brown, of course Big John Hernandez. And of course my staff that I have retained from Representative Carroll's office, Soana, Rebecca and Cameron, I thank you for all your help and guidance. For also again, Senator English, Senator Roz Baker, former Congresswoman Colleen Hanabusa, thank you for all your support, and Scott Enright, Ken Kakesako, Drake Kalili, I thank you folks all, and I look forward to working with each and every one of you. *Mahalo*.

"*E kala mai*, Mr. Speaker. Excuse me, Senator Gilbert Agaran, I forgot to recognize you. Thank you for your support. And also John Borden, Jr., *mahalo* for coming from Molokai also. Thank you."

Representative Onishi introduced from the Department of Agriculture: Mr. Scott Enright, Chair; Ms. Phyllis Shimabukuro-Geiser, Deputy Director; and Mr. Ken Kakesako, Deputy; and from the Hawaii Farm Bureau: Mr. Brian Miyamoto, Executive Director.

Representative Ward introduced Mr. Richard Rodrigues, Constituent Services/Capitol Tours Assistant, Office of the Governor.

At 12:32 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:50 o'clock p.m.

## ORDER OF THE DAY

## REPORTS OF STANDING COMMITTEES

At this time, the Chair stated:

"We are on item number 6. Just a gentle reminder, we have over 180 bills. Request that for those who speak, please be very brief, and certainly I would recommend that you put comments in the Journal, it would be very fine if you could do that, and maybe we can finish all of this by 2:00, which is the goal. Otherwise you're going to get a little hungry as the time goes along."

Representative Kawakami, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 390) recommending that H.B. No. 657, HD 1 be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 657, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was referred to the Committee on Finance, with Representative Ito being excused.

Representative Kawakami, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 391) recommending that H.B. No. 654 be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 654, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," was referred to the Committee on Finance, with Representative Ito being excused.

Representative Kawakami, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 392) recommending that H.B. No. 648 be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 648, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," was referred to the Committee on Finance, with Representative Ito being excused.

Representative Kawakami, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 393) recommending that H.B. No. 1090, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1090, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT AGREEMENTS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Ito being excused.

Representative Kawakami, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 394) recommending that H.B. No. 1292, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1292, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 395) recommending that H.B. No. 58, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 58, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTIVE ORDERS," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 396) recommending that H.B. No. 968, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 968, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY FOR AMOUNTS PASSED ON AS TAX," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 397) recommending that H.B. No. 148, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 148, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WRONGFUL IMPRISONMENT," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 398) recommending that H.B. No. 896, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 896, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 399) recommending that H.B. No. 189, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 189, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Har rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Oshiro rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 189, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CLAIMS AGAINST THE STATE," passed Second Reading and was referred to the Committee on Finance, with Representatives Har and Oshiro voting aye with reservations, and with Representative Ito being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 400) recommending that H.B. No. 536, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 536, HD 2 be referred to the Committee on Finance, seconded by Representative Evans.

Representative McDermott rose to speak in opposition to the measure, stating:

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"Mr. Speaker, I'm going to cast a no vote on this, although I support the intent. What I brought up in Committee was, this doesn't address the issue of experience. So it's a wage equality based on gender. But if a female is an accountant with a construction company for 25 years and they hire a male at the same type of job, immediately they must pay him the exact same amount as that female who has been there for 25 years, because they're still doing the same task. I brought it up in Committee, it was glossed over.

"This is a real world consequence of bills that we pass. Additionally, this sort of stuff is very political in nature and can be twisted by a plaintiff. This could be the trial lawyer's dream. For example, the biggest champion of gender equity in our country is who? President Obama. Yet his own White House staff doesn't follow this, where equal pay for equal work, at least that's what some would have us believe. You see, even he can fall victim to the twisting of this. So this is unworkable and doesn't take experience into account. So for that reason, I'm going to vote no."

Representative Har rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, may I request a ruling on a potential conflict? At my law firm I represent contractors and subcontractors. Thank you," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 536, HD 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT CONTRACTS," was referred to the Committee on Finance, with Representative McDermott voting no, and with Representative Ito being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 401) recommending that H.B. No. 768, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 768, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY," was referred to the Committee on Finance, with Representative Ito being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 402) recommending that H.B. No. 872, as amended in HD 1, pass Second Reading and be referred to the Committee on Ocean, Marine Resources, & Hawaiian Affairs and the Committee on Water & Land.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 872, HD 1 pass Second Reading and be referred to the Committee on Ocean, Marine Resources, & Hawaiian Affairs and the Committee on Water & Land, seconded by Representative Evans.

Representative Morikawa rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. Strong support, just a brief comment. This bill is very important for my district because we need to put sand from one side of the harbor to the other side of the harbor, same beach. So I hope the next committee will at least hear this. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 872, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NATURAL RESOURCES," passed Second Reading and was referred to the Committee on Ocean, Marine Resources, & Hawaiian Affairs and the Committee on Water & Land, with Representative Ito being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 403) recommending that H.B. No. 101, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 101, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 404) recommending that H.B. No. 1286, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1286, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Har rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative McDermott rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'm going to cast a no vote on this one, although I haven't read the bill. I'm not sure what the term 'transitional period' means, if that is set in statute by 25 years, 30 years, 40 years. Additionally, my concern is the ratepayer, that they get the most bang for their buck in the fuel. So while this is LNG, and America sits on an ocean of natural gas, I'm not sure that this is designed to benefit the consumer as opposed to benefit the people in the renewable energy industry. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1286, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred to the Committee on Finance, with Representative Har voting aye with reservations, with Representative McDermott voting no, and with Representative Ito being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 405) recommending that H.B. No. 1515, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1515, HD 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PELATRON Q, LLC," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 406) recommending that H.B. No. 1507, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1507, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

Representative McDermott rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Har rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. Please note my reservations on this measure and just a brief comment, Mr. Speaker. I say we just ban all these bags altogether. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1507, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Har voting aye with

reservations, with Representative McDermott voting no, and with Representative Ito being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 407) recommending that H.B. No. 1468, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1468, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTERISLAND HIGH-VOLTAGE ELECTRIC TRANSMISSION CABLE SYSTEM," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representative Ito being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 408) recommending that H.B. No. 1040, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1040, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 409) recommending that H.B. No. 212, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 212, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 410) recommending that H.B. No. 992, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 992, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising to speak against Standing Committee Report 410, House Bill 992, which is the special purpose revenue bond for Hawaiian Electric. A no vote, and here are my reasons. Thank you. Mr. Speaker, Hawaiian Electric in the original bill would be getting \$800 million in SPRBs, which is about the ceiling of what we do allocate in SPRBs in a session.

"The amount has been blanked out, but let me just read what the bill is providing. It's to allow the Hawaiian Electric companies to continue multi-project capital improvement programs, including costs to cover the acquisition of land or the construction or acquisition of facilities used or related to the production, transmission, or distribution of electricity, or any combination thereof.

"Mr. Speaker, when the Chief Financial Officer was in the hearing, she was unable to answer what exactly are these plans for Hawaiian Electric and how do they relate to the proposed purchase of Hawaiian Electric by NextEra. She was unable to answer any questions related to that.

"Mr. Speaker, I read this as providing money at low interest rates to allow the Hawaiian Electric companies to go ahead with the undersea

cable along with other projects, but there were no answers that they could give to us at the hearing, so I am voting no. Thank you."

Representative Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, just quickly, ruling on a potential conflict of interest. The potential conflict of interest is that I'm a stockholder of Hawaiian Electric Company stocks," and the Chair ruled, "no conflict."

Representative Oshiro continued and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, with reservations and a brief comment that this is clearly premature. If NextEra is going to buy this company, why we would be moving on this at this particular time doesn't seem to be logical. Thank you, Mr. Speaker."

Representative Tupola rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative DeCoite rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative DeCoite's written remarks are as follows:

"Thank you, Mr. Speaker. I am writing in support with strong reservations on HB 992, which would authorize the Department of Budget and Finance, upon approval from the Governor, to issue special purpose revenue bonds to Hawaiian Electric Company, Maui Electric Company, and Hawaii Electric Light Company.

"I am concerned about the State of Hawaii issuing bonds to a company that essentially monopolizes our energy market. At a time when our energy needs continue to grow, we too must also grow. However, this is growth in the same direction, which will only take us so far. We should be looking at assisting reliable companies that can provide new and sustainable energy solutions. Mr. Speaker, we should be encouraging a diversification of our energy market, because with competition comes innovation and new and better ideas.

"Given the current situation regarding the merger between Hawaiian Electric Company and NextEra, it would be unwise for the State to get involved monetarily. If the public interest is the primary concern for this bill, our people would be better served by diversifying the energy market and providing our citizens with more options in energy providers and producers

"Mr. Speaker and distinguished Members of this Body, I urge everyone to please take careful consideration of this bill and note my reservations on HB 992. Thank you."

Representative Jordan rose to disclose a potential conflict of interest, stating:

"Ruling on a potential conflict, Mr. Speaker. I do also own shares in Hawaiian Electric Corporation," and the Chair ruled, "no conflict."

Representative Har rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Onishi rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, ruling on a conflict of interest. I also own stocks in Hawaiian Electric," and the Chair ruled, "no conflict."

Representative Say rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, also ruling on a potential conflict. I'm a shareholder of Hawaiian Electric," and the Chair ruled, "no conflict."

Representative Say continued, stating:

"Can this be carried over through the whole session?"

Speaker Souki addressed Representative Say, stating:

"With Hawaiian Electric, yes. So ordered."

Representative Onishi rose, stating:

"Mr. Speaker, same request," and the Chair "so ordered."

Representative Fukumoto Chang rose to speak in support of the measure with reservations, stating:

"With reservations. Just briefly, I think if this is going to be for grid modernization, that's a great thing and I think we should move forward and consider it, but I do want to echo the concerns of the Representative from Kailua, I think that unless this is environmental and making environmental improvements, it does subject us to the bond ceiling for private activity bonds that's set by the IRS. So I just want to make sure, because it could potentially limit what else we can do this session. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 992, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HAWAIIAN ELECTRIC COMPANY, INC., MAUI ELECTRIC COMPANY, LIMITED, AND HAWAII ELECTRIC LIGHT COMPANY, INC.," passed Second Reading and was referred to the Committee on Finance, with Representatives DeCoite, Fukumoto Chang, Har, Oshiro, Tupola and Ward voting aye with reservations, with Representative Thielen voting no, and with Representative Ito being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 411) recommending that H.B. No. 1087, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1087, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 412) recommending that H.B. No. 1243, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1243, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative McDermott rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1243, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representative McDermott voting no, and with Representative Ito being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 413) recommending that H.B. No. 96, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 96, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 414) recommending that H.B. No. 504, HD 1 be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 504, HD 1 be referred to the Committee on Finance, seconded by Representative Evans.

Representative McDermott rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 504, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PESTICIDES," was referred to the Committee on Finance, with Representative McDermott voting no, and with Representative Ito being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 415) recommending that H.B. No. 540, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 540, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII ACCOUNTING AND FINANCIAL MANAGEMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 416) recommending that H.B. No. 52, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 52, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SELECTIVE SERVICE REGISTRATION AWARENESS AND COMPLIANCE ACT," was referred to the Committee on Finance, with Representative Ito being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 417) recommending that H.B. No. 870, HD 1 be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 870, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOOD," was referred to the Committee on Finance, with Representative Ito being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 418) recommending that H.B. No. 541, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 541, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII TUITION AND FEES SPECIAL FUND," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 419) recommending that H.B. No. 545, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 545, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FUNDS," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 420) recommending that H.B. No. 546 be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 546, entitled: "A BILL FOR AN ACT RELATING TO EDUCATIONAL BENEFITS," was referred to the Committee on Finance, with Representative Ito being excused.

Representative Hashem, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 421) recommending that H.B. No. 1242, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1242, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. A no vote, please, on 421, and I'd like to explain why. The measure provides for a tax credit for fire sprinklers in residences. My concern is that it's a slippery slope. Once there's a tax credit for the fire sprinklers in residences, the next step will be to mandate that all residents have fire sprinklers in them. That would be a very costly measure, and I would like to stop the vehicle before it goes down the slippery slope. Thank you."

Representative Tupola rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. Please note my reservations for the same comments as my colleague from Kailua. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1242, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIRE SPRINKLERS," passed Second Reading and was referred to the Committee on Finance, with Representative Tupola voting aye with reservations, with Representative Thielen voting no, and with Representative Ito being excused.

Representatives Belatti and McKelvey, for the Committee on Health and the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 422) recommending that H.B. No. 261, HD 1, as amended in HD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 261, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 423) recommending that H.B. No. 393, HD 1 be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 393, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN FISHPONDS," was referred to the Committee on Finance, with Representative Ito being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 424) recommending that H.B. No. 10, HD 1 be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 10, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was referred to the Committee on Finance, with Representative Ito being excused.

Representatives Belatti and Morikawa, for the Committee on Health and the Committee on Human Services, presented a report (Stand. Com. Rep. No. 425) recommending that H.B. No. 1195, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committees be adopted, and that H.B. No. 1195, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Jordan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1195, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXPANDED ADULT RESIDENTIAL CARE HOMES," passed Second Reading and was referred to the Committee on Finance, with Representative Jordan voting aye with reservations, and with Representative Ito being excused.

Representative Brower, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 426) recommending that H.B. No. 197, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 197, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSIENT ACCOMMODATIONS TAX," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Brower, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 427) recommending that H.B. No. 444, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 444, HD 2, entitled: "A BILL FOR AN ACT RELATING TO BEACH PROTECTION," was referred to the Committee on Finance, with Representative Ito being excused.

Representative Brower, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 428) recommending that H.B. No. 133, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 133, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 429) recommending that H.B. No. 232 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 232, entitled: "A BILL FOR AN ACT RELATING TO FACILITIES FUNDING FOR CHARTER SCHOOLS," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.



Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 430) recommending that H.B. No. 874, HD 1 be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 874, HD 1 be referred to the Committee on Finance, seconded by Representative Evans.

Representative Jordan rose to speak in support of the measure with reservations, stating:

"Please note my reservations on this measure, Mr. Speaker. And just a few brief comments. Thank you, because I think I missed submitting my comments on the last discussion on this. I would like to support the department. We just saw a press release yesterday that they got a special approval from the federal government to go forward with a testing for children of Hawaiian language immersion programs in the DOE system, and I would like to support the department in their effort moving forward on this versus moving this measure forward at this particular time, Mr. Speaker. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 874, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN LANGUAGE IMMERSION PROGRAM," was referred to the Committee on Finance, with Representative Jordan voting aye with reservations, and with Representative Ito being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 431) recommending that H.B. No. 613 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 613, entitled: "A BILL FOR AN ACT RELATING TO STUDENT DATA MANAGEMENT," passed Second Reading and was referred to the Committee on Judiciary, with Representative Ito being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 432) recommending that H.B. No. 487 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 487, entitled: "A BILL FOR AN ACT RELATING TO A STATE-FUNDED COLLEGE GRANT PROGRAM," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 433) recommending that H.B. No. 820, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 820, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EARLY CHILDHOOD EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 434) recommending that H.B. No. 1412, HD 1 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1412, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 435) recommending that H.B. No. 819, as

amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 819, HD 1 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative McDermott rose to speak in opposition to the measure, stating:

"Mr. Speaker, I want to cast a no vote on this. Page 14 has language that a charter school shall not discriminate based on 'gender identity or expression'. I honestly don't know what that has to do with bullying. But my concern is that boys who, quote, unquote, 'self-identify,' as girls will be able to use the little girls' restroom.

"This is clearly a behavioral disorder, a mental disorder, and now we're codifying it in statute, and I don't think we're doing these kids any favors. Perhaps we should fund them some psychiatric therapy to help them. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 819, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BULLYING," passed Second Reading and was referred to the Committee on Judiciary, with Representative McDermott voting no, and with Representative Ito being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 436) recommending that H.B. No. 1349, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1349, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHER TENURE," was referred to the Committee on Finance, with Representative Ito being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 437) recommending that H.B. No. 1230, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1230, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 438) recommending that H.B. No. 578, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 578, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was referred to the Committee on Finance, with Representative Ito being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 439) recommending that H.B. No. 698, as amended in HD 1, pass Second Reading and be referred to the Committee on Health.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 698, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL HEALTH," passed Second Reading and was referred to the Committee on Health, with Representative Ito being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 440) recommending that H.B. No. 397, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 397, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AFTERSCHOOL PROGRAMS," was referred to the Committee on Finance, with Representative Ito being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 441) recommending that H.B. No. 607, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 607, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY LEARNING," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 442) recommending that H.B. No. 231, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 231, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Tupola rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Tupola's written remarks are as follows:

"Mr. Speaker, I rise today with reservations on this bill. I would support this measure if it moved forward as a pilot project that could be monitored and measured before it is instituted throughout the State."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 231, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PREAUDITS OF PROPOSED PAYMENTS," passed Second Reading and was referred to the Committee on Finance, with Representative Tupola voting aye with reservations, and with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 443) recommending that H.B. No. 18, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 18, HD 2 be referred to the Committee on Finance, seconded by Representative Evans.

Representative Jordan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 18, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," was referred to the Committee on Finance, with Representative Jordan voting aye with reservations, and with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 444) recommending that H.B. No. 272, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 272, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE SELLER DISCLOSURE," passed Second Reading and was referred to the Committee on Judiciary, with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 445) recommending that H.B. No. 643, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 643, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 446) recommending that H.B. No. 858, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 858, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," passed Second Reading and was referred to the Committee on Judiciary, with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 447) recommending that H.B. No. 1098, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1098, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Har rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1098, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SECURE AND FAIR ENFORCEMENT FOR MORTGAGE LICENSING ACT," passed Second Reading and was referred to the Committee on Finance, with Representative Har voting aye with reservations, and with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 448) recommending that H.B. No. 228, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 228, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEFERRED DEPOSITS," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 449) recommending that H.B. No. 770, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 770, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 450) recommending that H.B. No. 375, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 375, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROPERTY,"

passed Second Reading and was referred to the Committee on Judiciary, with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 451) recommending that H.B. No. 538, HD 1, as amended in HD 2, be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 538, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," was referred to the Committee on Judiciary, with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 452) recommending that H.B. No. 104, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 104, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FORECLOSURE," passed Second Reading and was referred to the Committee on Judiciary, with Representative Ito being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 453) recommending that H.B. No. 385, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 385, HD 1 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Jordan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, with reservations, brief comments. Actually, serious reservations. As a former military person and a former smoker, one of the free times was, if you got 'em, smoke 'em, and that was the breaks. The point being, Mr. Speaker, if these young people are put on the line to die for their country, we're denying them a smoke break. We're saying in this bill, if you're under 21, you cannot buy cigarettes.

"Now it doesn't say anything about you can't inhale. It doesn't say anything about actually using it or being a smoker, it just says you can't purchase them. I think for those who are in the military at sometimes 17, 18, 19, and who need a break, and we know that PTSD and all of those things and the stresses are very severe on these young guys, saying that they can't buy cigarettes, as when I was a big smoker and in the military, as you were, Mr. Speaker, this could be a very important issue. For now it may be tangential, but I just want to alert people that this may not be good policy. Thank you."

Representative McDermott rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 385, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Jordan and Ward voting aye with reservations, with Representative McDermott voting no, and with Representative Ito being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 454) recommending that H.B. No. 34, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 34, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

Representative Jordan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 34, HD 1, entitled: "A BILL FOR AN ACT RELATED TO SMOKING," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Jordan voting aye with reservations, and with Representative Ito being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 455) recommending that H.B. No. 581, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 581, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOSPITAL SUSTAINABILITY PROGRAM," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 456) recommending that H.B. No. 763, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 763, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ELDERLY," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 457) recommending that H.B. No. 796, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 796, HD 1 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Jordan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Belatti rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, ruling on a potential conflict. My law firm represents physicians who are and may be subject to recoupment actions. Thank you, Mr. Speaker," and the Chair ruled, "no conflict."

Representative Har rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative McKelvey rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. In support with just slight reservations. And that this is an insurance bill and did not go to CPC. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 796, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Har, Jordan and McKelvey voting aye with reservations, and with Representative Ito being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 458) recommending that H.B. No. 1063, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1063, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL CARE," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 459) recommending that H.B. No. 464, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 464, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 460) recommending that H.B. No. 515, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 515, HD 2, entitled: "A BILL FOR AN ACT RELATING TO REMNANTS," was referred to the Committee on Finance, with Representative Ito being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 461) recommending that H.B. No. 897, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 897, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT," was referred to the Committee on Finance, with Representative Ito being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 462) recommending that H.B. No. 1251, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1251, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CHARTER SCHOOLS," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 463) recommending that H.B. No. 627, HD 1 be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 627, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A FARM TO SCHOOL PROGRAM," was referred to the Committee on Finance, with Representative Ito being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 464) recommending that H.B. No. 853, HD 1 be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 853, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was referred to the Committee on Finance, with Representative Ito being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 465) recommending that H.B. No. 995 be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 995, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was referred to the Committee on Finance, with Representative Ito being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 466) recommending that H.B. No. 759, HD 1 be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 759, HD 1 be referred to the Committee on Finance, seconded by Representative Evans.

Representative LoPresti rose to speak in support of the measure, stating:

"Mr. Speaker, I stand in strong support, permission to enter comments into the Journal. Thank you."

Representative LoPresti's written remarks are as follows:

"When it is too hot to concentrate, student achievement suffers. This is all too common in many schools across the State of Hawaii. It is certainly the case for a large number of classrooms in the 41st House District, which has a hot and sunny climate. This is why it is one of my most important Capitol Improvement Project priorities. I would like to commend the Department of Education for approaching this urgent problem in a systematic and thoughtful way."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 759, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COOLING SYSTEMS IN PUBLIC SCHOOL FACILITIES," was referred to the Committee on Finance, with Representative Ito being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 467) recommending that H.B. No. 496, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 496, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative McDermott rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, reservations. I certainly appreciate the intent of this measure. I'm afraid if this passes we're opening a new tax on employers which we will eventually exploit, although maybe not today. Thank you."

Representative Har rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. With reservations. Just very brief comments. My concern is that this is a mandatory, it essentially is mandatory, it takes basically a certain amount from an employee, and it's mandatory, it's not optional, and this could really hurt those making minimum wage. For those reasons, I'm with reservation. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 496, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Har and McDermott voting aye with reservations, and with Representative Ito being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 468)

recommending that H.B. No. 520, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 520, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKFORCE DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Nakashima, for the Committee on Labor & Public Employment, presented a report (Stand. Com. Rep. No. 469) recommending that H.B. No. 1112, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1112, HD 2 be referred to the Committee on Finance, seconded by Representative Evans.

Representative Jordan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Oshiro rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Har rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1112, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION," was referred to the Committee on Finance, with Representatives Har, Jordan and Oshiro voting aye with reservations, and with Representative Ito being excused.

Representative Aquino, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 470) recommending that H.B. No. 1328, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1328, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM," was referred to the Committee on Finance, with Representative Ito being excused.

Representative Aquino, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 471) recommending that H.B. No. 715 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 715, entitled: "A BILL FOR AN ACT RELATING TO LOW-SPEED ELECTRIC BICYCLES," passed Second Reading and was referred to the Committee on Judiciary, with Representative Ito being excused.

Representative Aquino, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 472) recommending that H.B. No. 32 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 32, entitled: "A BILL FOR AN ACT RELATING TO CROSSWALK SAFETY," passed Second Reading and was referred to the Committee on Judiciary, with Representative Ito being excused.

Representative Aquino, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 473) recommending that H.B. No. 969 pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 969 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative McDermott rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'd like to cast a no vote on this, and I speak for all the working folks out there who wonder why they're paying taxes when every time they turn around there's a new fee here or a new fee there. Get a driver's license, registration, we're feeing them to death. They just want to live their lives, and they wonder why they're paying all these taxes, and then when they go to use a service, there's multiple fees. Thank you."

Representative Tupola rose to speak in opposition to the measure, stating:

"Mr. Speaker, thank you. Can I also cast a no vote? In the same line as my colleague from Ewa Beach, with fees and taxes, just worrying for the taxpayer and the people of Hawaii on how much burden we're putting on them. Thank you."

Representative DeCoite rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative DeCoite's written remarks are as follows:

"Thank you, Mr. Speaker. I am writing in support of HB 969, which allows the State of Hawaii to further update and maintain its computer and software systems for the driver licensing program. However, I have reservations about transferring the cost in the form of a fee on the people of the State of Hawaii.

"While I support the modernization and streamlining of our State infrastructure, I am always cautious about the cost to our people.

"Our citizens are already paying a lot of money to live in this State. While the fee is a small one of less than a dollar, I still have reservations about making them pay any more money than they have to.

"The State has a responsibility to provide services to its people. Those services, Mr. Speaker, should be paid for with the tax dollars collected from the people by the State.

"Mr. Speaker and distinguished Members of this Body, I urge everyone to please take careful consideration of any bill that will cost our people more money and to note my reservations on HB 969. Thank you."

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, no vote. This is middle class bill killer number two. Thank you."

Representative Fukumoto Chang rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Matsumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Fukumoto Chang rose, stating:

"If she's going no, no vote too, please. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 969, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Second Reading and was referred to the Committee on Finance, with Representatives DeCoite and Matsumoto voting aye with reservations, with Representatives Fukumoto Chang, McDermott, Thielen, Tupola and Ward voting no, and with Representative Ito being excused.

Representatives Aquino and Takayama, for the Committee on Transportation and the Committee on Public Safety, presented a report

(Stand. Com. Rep. No. 474) recommending that H.B. No. 436 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 436, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY VEHICLES," passed Second Reading and was referred to the Committee on Judiciary, with Representative Ito being excused.

Representative Aquino, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 475) recommending that H.B. No. 1153 be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1153, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," was referred to the Committee on Finance, with Representative Ito being excused.

Representative Aquino, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 476) recommending that H.B. No. 1489 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1489, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL LICENSE PLATES FOR NATIONAL PARKS," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 477) recommending that H.B. No. 1509, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1509, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," was referred to the Committee on Finance, with Representative Ito being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 478) recommending that H.B. No. 981, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 981, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative LoPresti rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative LoPresti's written remarks are as follows:

"I voted with reservations when this was heard in the Committee on Higher Education. This measure takes away the discretion of the University of Hawaii to organize its academic affairs as it sees fit. Also, speaking as a professor, I remain unconvinced that every subject can be learned in as targeted and systematic a way through work and life experience as it can be through academic study."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 981, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLEGE-CREDIT EQUIVALENCY PROGRAMS," passed Second Reading and was referred to the Committee on Finance, with Representative LoPresti voting aye with reservations, and with Representative Ito being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 479) recommending that H.B. No. 850, HD 1 be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 850, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE AGRICULTURAL EXTENSION SERVICE," was referred to the Committee on Finance, with Representative Ito being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 480) recommending that H.B. No. 553, HD 1 be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 553, HD 1 be referred to the Committee on Finance, seconded by Representative Evans.

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, with reservations, please. Serious reservations, brief comment. As a former graduate assistant, Mr. Speaker, I don't believe this bill is necessary. A graduate student assistant, as I was, is not a full time worker and not a full time student, they do both. So this is not really a labor, a pure labor bill, because anybody who's a graduate assistant usually gets fast tracked on a master's degree, or as myself, I was at the Ph.D. level, and you get a lot of special treatment in addition to, not a living wage, but an incentive. And to organize this into a union, I think is a bit of an overkill. And in fact, there's just a handful of graduate assistants because they say there's not enough money for them to even have enough numbers to hire them.

"So for those reasons, Mr. Speaker, I don't think collective bargaining for graduate students is a necessary element for our university. Our university has enough problems with their budget. To add on to this for graduate students I think it's not a major issue right now. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 553, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," was referred to the Committee on Finance, with Representative Ward voting aye with reservations, and with Representative Ito being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 481) recommending that H.B. No. 552 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 552, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 482) recommending that H.B. No. 548, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 548, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 483) recommending that H.B. No. 1000, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1000, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FRANCHISES," was referred to the Committee on Judiciary, with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 484) recommending that H.B. No. 467, HD 1 be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 467, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was referred to the Committee on Finance, with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 485) recommending that H.B. No. 145, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 145, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I wish to cast a no vote and explain why. Thank you. Mr. Speaker, this gives an income tax credit for some cigar producers, and when we're trying so hard to cut down on the use of tobacco it seems strange to be giving a tax credit. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 145, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representative Thielen voting no, and with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 486) recommending that H.B. No. 1422, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1422, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICE CONTRACTS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 487) recommending that H.B. No. 1028, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1028, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was referred to the Committee on Finance, with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 488) recommending that H.B. No. 576, HD 1 be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 576, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE AFFORDABLE CARE ACT INNOVATION WAIVER," was referred to the Committee on Finance, with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 489) recommending that H.B. No. 1219, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1219, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER

PROTECTION," passed Second Reading and was referred to the Committee on Judiciary, with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 490) recommending that H.B. No. 1051, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1051, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was referred to the Committee on Finance, with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 491) recommending that H.B. No. 150, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 150, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUNSHINE LAW," passed Second Reading and was referred to the Committee on Judiciary, with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 492) recommending that H.B. No. 1012, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1012, HD 1 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Har rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Kawakami rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Oshiro rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative DeCoite rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1012, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXHIBITION OF WILD OR EXOTIC ANIMALS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives DeCoite, Har, Kawakami and Oshiro voting aye with reservations, and with Representative Ito being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 493) recommending that H.B. No. 264, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 264, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Ito being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 494) recommending that H.B. No. 642, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 642, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE

GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 495) recommending that H.B. No. 1141, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1141, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Onishi rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'd like to register a no vote on Standing Committee Report 495. After discussion with the Department of Health, they're already looking at amending their rules to not allow cesspools, moving forward. Thank you, Mr. Speaker."

Representative Creagan rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1141, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CESSPOOLS," passed Second Reading and was referred to the Committee on Finance, with Representative Creagan voting aye with reservations, with Representative Onishi voting no, and with Representative Ito being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 496) recommending that H.B. No. 1086 pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1086 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Har rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1086, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Second Reading and was referred to the Committee on Finance, with Representative Har voting aye with reservations, and with Representative Ito being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 497) recommending that H.B. No. 1273, as amended in HD 1, be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1273, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," was referred to the Committee on Consumer Protection & Commerce, with Representative Ito being excused.

Representatives Lee and Yamane, for the Committee on Energy & Environmental Protection and the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 498) recommending that H.B. No. 1394, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 1394, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER RECLAMATION," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representatives Lee and Yamane, for the Committee on Energy & Environmental Protection and the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 499) recommending that H.B. No. 591, as amended in HD 1, pass Second Reading and be referred to the Committee on Health.

Representative Saiki moved that the report of the Committees be adopted, and that H.B. No. 591, HD 1 pass Second Reading and be referred to the Committee on Health, seconded by Representative Evans.

Representative McDermott rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'd like to cast a no vote on this exercise on futility. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 591, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CLIMATE CHANGE," passed Second Reading and was referred to the Committee on Health, with Representative McDermott voting no, and with Representative Ito being excused.

Representatives Lee and Yamane, for the Committee on Energy & Environmental Protection and the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 500) recommending that H.B. No. 437, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 437, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE NATURAL RESOURCE GOALS OF THE ALOHA+ CHALLENGE," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representatives Morikawa and Belatti, for the Committee on Human Services and the Committee on Health, presented a report (Stand. Com. Rep. No. 501) recommending that H.B. No. 583, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 583, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Jordan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 583, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE FACILITIES," passed Second Reading and was referred to the Committee on Finance, with Representative Jordan voting aye with reservations, and with Representative Ito being excused.

Representatives Morikawa and Belatti, for the Committee on Human Services and the Committee on Health, presented a report (Stand. Com. Rep. No. 502) recommending that H.B. No. 600, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committees be adopted, and that H.B. No. 600, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Jordan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Oshiro rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Har rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."



The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 600, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY CARE FOSTER FAMILY HOMES," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Jordan and Oshiro voting aye with reservations, and with Representative Ito being excused.

Representatives Morikawa and Belatti, for the Committee on Human Services and the Committee on Health, presented a report (Stand. Com. Rep. No. 503) recommending that H.B. No. 1161, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committees be adopted, and that H.B. No. 1161, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Jordan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Oshiro rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Har rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1161, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Jordan and Oshiro voting aye with reservations, and with Representative Ito being excused.

Representatives Morikawa and Belatti, for the Committee on Human Services and the Committee on Health, presented a report (Stand. Com. Rep. No. 504) recommending that H.B. No. 1239, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committees be adopted, and that H.B. No. 1239, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Jordan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Oshiro rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Tupola rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Har rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1239, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Jordan, Oshiro and Tupola voting aye with reservations, and with Representative Ito being excused.

Representative Morikawa, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 505) recommending that H.B. No. 1154 be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1154 be referred to the Committee on Finance, seconded by Representative Evans.

Representative McDermott rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'd like to cast a no vote. We've been here the last 20 minutes, we've just hit every driver with a \$2 charge, dollar before, dollar

now. I can't believe there's not some way we can find a nexus between the traffic tickets issued to people who park in handicapped spots, increasing that, collect that, and fund this. Fund the violators who are actually harming the people who have a disability. Why do we have to tax every driver another dollar? And again, they're asking, what am I paying my taxes for? Thank you, sir."

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, no vote, brief comments. Mr. Speaker, this adds insult to injury. All of our constituents, including yours, Mr. Speaker, are suffering from sticker shock. After the last two years of the weight tax, the registration tax increase, throwing another dollar on this year, throwing another dollar on the next year. This is what I had called earlier the 'middle class bill killer number one'.

"This is something that we don't want to do because it's a good cause, but every time we have a good cause we really hide what is the substantive area of the fault of this Legislature, Mr. Speaker. We have 57% of our families that need subsidies for the kids to eat lunch in their schools. We are taxing our people too much, we need to let up on them and lower the cost of living, and this is one small way we can do it.

"Even though you can say, well this is a cup of coffee or something like that, that's the old syndrome of putting the frog in the boiling water, it jumps out, but if you just turn up the heat slowly, as we have done in this Legislature continually, we're burning out our middle class, Mr. Speaker. Thank you."

Representative Morikawa rose to speak in support of the measure, stating:

"Mr. Speaker, thank you. In support with a brief comment. I'd just like to bring it to attention, that our committee would like the Finance Committee to look into further maybe adjusting the Department of Transportation's portion, and not necessarily to raise it. Thank you."

Representative Tupola rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Please, a no vote. I thank my colleague for her comments. That would be excellent to look into. The Disability and Communication Access Board did mention that they can't maintain this anymore and that they'd like help from the DOT, so it'd be best, I believe, to put it under them. Thank you."

Representative Fukumoto Chang rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Matsumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1154, entitled: "A BILL FOR AN ACT RELATING TO FUNDING FOR PARKING FOR DISABLED PERSONS," was referred to the Committee on Finance, with Representative Matsumoto voting aye with reservations, with Representatives Fukumoto Chang, McDermott, Tupola and Ward voting no, and with Representative Ito being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 506) recommending that H.B. No. 542, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 542, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET," passed Second Reading and was referred to the Committee on Finance, and with Representative Ito being excused.

Representatives Belatti and Morikawa, for the Committee on Health and the Committee on Human Services, presented a report (Stand. Com. Rep.

No. 507) recommending that H.B. No. 497, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 497, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGING," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 508) recommending that H.B. No. 947 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 947, entitled: "A BILL FOR AN ACT RELATING TO RECORDS OF FORENSIC EXAMINATIONS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Ito being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 509) recommending that H.B. No. 1291 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1291, entitled: "A BILL FOR AN ACT RELATING TO THE REGISTRY OF CLEAN AND SOBER HOMES," passed Second Reading and was referred to the Committee on Judiciary, with Representative Ito being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 510) recommending that H.B. No. 864, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 864, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

Representative McDermott rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'd like to cast a no vote on this. The reason being, is it removes any reference to a spouse in here. Which means unmarried couples can get in vitro fertilization. The data is clear, children do best with a mother and father. Regnerus' report, peer reviewed, University of Texas. Mr. Speaker, families that are married and have children, the children tend to do better, as long as those parents are married.

"And what happens if you have a couple cohabitating and they have a child? They could split up, and then perhaps that child is going to be the burden of the taxpayer through welfare, food stamps, and everything else. This isn't a good policy. It doesn't keep families together. It does quite the opposite. So I'm going to vote no on this, and I would note that the Chamber of Commerce is also against it as well. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 864, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IN VITRO FERTILIZATION INSURANCE COVERAGE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative McDermott voting no, and with Representative Ito being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 511) recommending that H.B. No. 448, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 448, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC

VIOLENCE," passed Second Reading and was referred to the Committee on Judiciary, with Representative Ito being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 512) recommending that H.B. No. 859, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 859, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Jordan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 859, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance, with Representative Jordan voting aye with reservations, and with Representative Ito being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 513) recommending that H.B. No. 589, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 589, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STROKE CARE," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 514) recommending that H.B. No. 1406, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1406, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative LoPresti rose to speak in support of the measure with reservations, stating:

"I stand with strong reservations and I have some brief comments. This bill was amended by removing notification requirements with the right to opt-out of participating in statewide standardized testing. Neither No Child Left Behind nor Strive HI ESEA flexibility agreement with the US DOE have an explicit right to opt-out of testing, but neither do they have an explicit requirement that students test.

"There is an active bipartisan nationwide movement to opt-out of high stakes standardized testing led by teachers, parents, administrators and others. I'll be analyzing this issue further throughout the season, and I believe that by removing that measure, we're actively hiding the rights of parents from them. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1406, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STANDARDIZED TESTING," passed Second Reading and was referred to the Committee on Finance, with Representative LoPresti voting aye with reservations, and with Representative Ito being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 515) recommending that H.B. No. 1238, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1238, HD 1 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative DeCoite rose to speak in support of the measure, stating:

"Mr. Speaker, I stand in strong support. I stand in strong support for the family that has gone through this with a child of their own, and I'd like to acknowledge that. Thank you."

Representative Jordan rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1238, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LATEX," passed Second Reading and was referred to the Committee on Judiciary, with Representative Ito being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 516) recommending that H.B. No. 119, HD 1, as amended in HD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 119, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 517) recommending that H.B. No. 1109, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1109, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A BEHAVIOR SUPPORT REVIEW COMMITTEE FOR PERSONS WITH DEVELOPMENTAL OR INTELLECTUAL DISABILITIES," passed Second Reading and was referred to the Committee on Judiciary, with Representative Ito being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 518) recommending that H.B. No. 1241, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1241, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 519) recommending that H.B. No. 460, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 460, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Judiciary, with Representative Ito being excused.

Representative Ito, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand. Com. Rep. No. 520) recommending that H.B. No. 805, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 805, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VETERANS DISABILITY BENEFITS," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Ito, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand. Com. Rep. No. 521) recommending that H.B. No. 323, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 323, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE DISASTER REVOLVING LOAN FUND," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Ito, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand. Com. Rep. No. 522) recommending that H.B. No. 881, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 881, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF DEFENSE," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 523) recommending that H.B. No. 549, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 549, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SERVICE LEGAL LOAN REPAYMENT ASSISTANCE," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 524) recommending that H.B. No. 457, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 457, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 525) recommending that H.B. No. 11, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 11, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Tsuji, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 526) recommending that H.B. No. 439, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 439, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE PLANNING," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Tsuji, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 527) recommending that H.B. No. 891 pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 891 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Matsumoto rose to disclose a potential conflict of interest, stating:

"Just a ruling on a potential conflict. My family has Petersons' Upland Farm and livestock," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 891, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Tsuji, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 528) recommending that H.B. No. 1042 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1042, entitled: "A BILL FOR AN ACT RELATING TO IMPORTANT AGRICULTURAL LANDS," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 529) recommending that H.B. No. 1471, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1471, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative McDermott rose to speak in opposition to the measure, stating:

"Mr. Speaker, a no vote, please. Mr. Speaker, Oahu has a coal plant that contributes to our electrical production. This tax is going to be passed directly on to the consumer, and because I live out in that area I'm probably going to see an increase in my bill. This is just a money grab.

"Whenever we increase the cost of LNG, or say we're using coal out on the west side, that makes renewables more attractive because we're increasing the cost. So here's an opportunity to grab money and help some of those people in the renewable energy industry.

"This tax wasn't there before. Aren't electric bills high enough, Mr. Speaker, at 38 cents a kilowatt hour? Aren't they high enough? Do we need to raise them more? That's what this does. This is an electric bill increase.

"We use coal on Oahu, we're going to raise the taxes, and that's going to be passed right on through your base fuel charge on your bill. So every consumer can thank us for raising their electric bill. Thank you."

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, no vote, brief comment. Mr. Speaker, in addition to my colleague from Ewa Beach, I should note that if there's ever any tax savings by having LNG, and we know that's been talked about as a way of saving from having petroleum burned, which is 5 to 6 billion a year that we export, those savings should go into the consumers.

"But what we've got here, and it sounds so great, it's Relating to the Funding of Government Programs, but it's a 19 cents per barrel tax on coal, natural gas, LNG, *et cetera*.

"Mr. Speaker, I don't see how we can justify this. I think maybe it could even get in the way of disincentivizing the talks between NextEra and HECO. NextEra is talking about bringing in LNG as a way of passing on savings to the consumer. What we do in the meantime is lateral it into the

government by having this 19 cents attached on to it. It may disincentivize this whole buy-out process.

"Mr. Speaker, this is not a policy that I think is worth pursuing, and this is why this is middle class killer bill number three. Thank you."

Representative Fukumoto Chang rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Tupola rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Lee rose to speak in support of the measure, stating:

"Thank you. Very briefly, in support, Mr. Speaker. I'd just like to perhaps correct the Representative from Hawaii Kai, this is not a 19 cents per barrel tax on LNG. LNG is calculated separately, so it is equivalent, equivalent of the current barrel tax on petroleum products.

"And there are three good reasons why this is moving forward for further discussion. First of all, number one, it's designed to sustain the government programs which the good Representative spoke of, funding our emergency environmental response cleanup. Not only that, but our energy programs, which include our renewable portfolio standards, things which actually save us money, and had been demonstrated in recent years to save taxpayers and ratepayers more than \$60 million in one year alone. These are programs that put PV on people's roofs, that reduce their costs by increasing efficiency, and all the other things that are collectively, for everybody, reducing costs.

"Secondly, I'd just like to add that, as an imported fuel, liquid natural gas or other things like coal or others are subject to potentially dangerous situations. If liquid natural gas comes into Hawaii, for example, one of the options is an off shore docking mooring off of Barbers Point, which big tanker ships would come up to, dock, offload the LNG, which would go through a pipe down in the sea floor, onto land. If there's an accident and there's a spill, currently with oil, the barrel tax applied to it pays for that cleanup. There's no such thing for LNG, and if there's a spill that's going to be borne by taxpayers, if borne by anybody at all.

"Secondly, if you have other situations that come up, spills, disaster response, this is the fund that funds all of that. And it is a clear nexus so that taxpayers aren't just paying for this themselves, but a nexus between those things being imported, which could potentially have a catastrophic impact on our coastline, on our economy, and the cost to ensure that there's a cleanup and protection and preventative maintenance to ensure these things don't happen.

"And lastly, Mr. Speaker, I'd just like to point out most of all, most importantly, this is a matter of business fairness between those companies that bring in fossil fuels that are taxed at a certain rate, and those who might bring in alternatives like LNG, which aren't. Everything needs to be played on a fair playing field so that everybody is taxed the same and the market can then dictate what the best alternative solution is going to be to reduce cost for everybody. So with that, I stand in support. Thank you, Mr. Speaker."

At 1:40 o'clock p.m., Representative Ward requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:43 o'clock p.m.

Representative San Buenaventura rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I'd like to have a conflict ruling. My husband works for Marine Spill Response Corporation," and the Chair ruled, "no conflict."

Representative Har rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1471, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE FUNDING OF GOVERNMENT PROGRAMS," passed Second Reading and was referred to the Committee on Finance, with Representatives Fukumoto Chang and Har voting aye with reservations, with Representatives McDermott, Tupola and Ward voting no, and with Representative Ito being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 530) recommending that H.B. No. 1140, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1140, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CESSPOOLS," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 531) recommending that H.B. No. 620, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 620, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Ito being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 532) recommending that H.B. No. 618, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 618, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 533) recommending that H.B. No. 1504, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1504, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," was referred to the Committee on Finance, with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 534) recommending that H.B. No. 713, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 713, HD 2 be referred to the Committee on Finance, seconded by Representative Evans.

Representative Jordan rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, please note my reservations. Although I'd like to thank the Chair of CPC for taking this to a 2112 date, so that may start subsidizing my reservations at this point in time, but for right now I'll watch the measure. Thank you very much, Mr. Speaker."

Representative Har rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. May I request a ruling on a potential conflict? At my law firm I represent contractors and subcontractors," and the Chair ruled, "no conflict."

Representative Har continued, stating:

"Can it please apply for the rest of the session. Thank you, Mr. Speaker," and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 713, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," was referred to the Committee on Finance, with Representative Jordan voting aye with reservations, and with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 535) recommending that H.B. No. 1372, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1372, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," was referred to the Committee on Finance, with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 536) recommending that H.B. No. 927, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 927, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ON-BILL PROGRAMS," was referred to the Committee on Finance, with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 537) recommending that H.B. No. 1505, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1505, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," was referred to the Committee on Finance, with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 538) recommending that H.B. No. 1127, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1127, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 539) recommending that H.B. No. 1284, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1284, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE HOLDING COMPANY SYSTEM," passed Second Reading and was referred to the Committee on Judiciary, with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 540) recommending

that H.B. No. 174, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 174, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was referred to the Committee on Finance, with Representative Ito being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 541) recommending that H.B. No. 459, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 459, HD 1 pass Second Reading and be referred to the Committee on Education, seconded by Representative Evans.

Representative McDermott rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition to this measure. Mr. Speaker, I have to apologize to my colleagues, I didn't keep my eye on the ball in the beginning. I was focused on the opt-in, opt-out provision which has been removed from this bill. And so that's what I was focused on.

"You know, Mr. Speaker, I guess I have a rhetorical question, who do we work for? And that's the parents, the constituents, the families. Last year with Pono Choices across this State, parents said, we don't want that. We don't want that, Mr. Speaker. And so a sex education program that parents found objectionable, they went to the Board of Education, the Board of Education changed their policy. And initially we came in and attempted to override what the parents said.

"Mr. Speaker, it's no secret, I have no juice in this room and I have no committee chairmanship and I have no authority, all I have is my voice and to speak the truth. Parents were outraged because of the objectionable material that was in those programs.

"And now the opt-in, opt-out is taken out, but I didn't keep my eye on the ball, Mr. Speaker, because now this is a major change in sex education policy in this State. It's no longer optional for middle school and high school to teach it, it is now mandatory with this bill, from elementary school to high school, sex education programs.

"Now, if we can rely on the DOE to abide by state statute, I'd be okay with that, because state statute requires it to be medically accurate. That means precision. You see when I go in to get my appendix out, they don't take my gallbladder and say, well close enough, McDermott. No, there's precision, there's accuracy, appendix. Well, it wasn't medically accurate. Introduced an amendment on this Floor last year to try and get my Members to agree with me, but only the Members of the Minority Caucus stood with me.

"But the Board of Education recognized it was indeed medically inaccurate and they made some changes. But we can't rely on the DOE, Mr. Speaker. And one of the flaws in this law is there's no mechanism or recourse to require that they are indeed medically accurate, other than the words on the paper which they disregard.

"Now the other issue is age appropriate. And the statute says, 'suitable to a particular age or age group based on developing cognitive, emotional, and behavioral capacity typical for that age or age group.'

"Mr. Speaker, I have a lot of opinions. Am I an expert in behavioral development in children? No, no. I've got eight kids, but I'm no expert. I'm not a child psychiatrist, I'm not board certified in behavioral health of any discipline, I'm not board certified in neurology, or psychosomatic medicine. These are the disciplines, these are the credentialed experts who need to make that determination of age appropriateness. Not a gym teacher, not a former HSTA union executive, not an openly homosexual doctor who spent his whole life trying to get this into the schools, not a

vice principal, not a pastor. People who credentialed in these disciplines. Because in this Body we talk about education."

At 1:50 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:50 o'clock p.m.

Representative McDermott continued, stating:

"Good news and bad news, Mr. Speaker. You interrupted me but you allowed me to gather my thoughts for a second wind.

"I know my Members, our colleagues are waiting with bated breath. But, Mr. Speaker, age appropriateness is a real issue. By the way, I'd like permission to insert comments into the Journal before I forget."

Representative Fukumoto Chang rose to yield her time, and the Chair "so ordered."

Representative McDermott continued, stating:

"Was that five minutes already? Wow. I'm just getting started. Mr. Speaker, that's good news. Mr. Speaker, age appropriateness. One of the programs we evaluated, and we called the DOE out on it, and this is why there needs to be a mechanism, this is why you need credentialed people, which is not in the bill, you need credentialed experts, people with the education necessary, and I'll admit I'm not that person, Mr. Speaker. Again, it's child psychiatrist, someone certified in the behavioral medicine specialty, neurology, psychosomatic, all doctors, physicians who've made this their lifetime of practice, they're experts in this field. Not a gym teacher, not a pastor.

"We pointed out the standard, they didn't follow the state statutes. And they said, well you know what, our blue ribbon committee said it's age appropriate. That blue ribbon committee is all these people I just mentioned. That's who's on there. One medical professional. How can that be? And not even trained in this. Mr. Speaker, that's very problematic.

"Also what's problematic is what kind of material are these kids going to get? I have seen it. Make no mistake about it, Mr. Speaker, they're going to be taught about anal sex. And they're going to be taught that oral, anal, and vaginal are exactly the same. They have the same risk tolerance, which they don't. They have the same end impact, which they don't. They are going to be conflated, because it's social engineering.

"And who is the number one purveyor and writer of sex education material in the country today? Planned Parenthood, that's who's behind this bill. They want to brainwash these kids, inculcate them with a new set of values that's contrary to their parents.

"So that's why we've got to get them early as possible, Mr. Speaker. We've got to talk to them about three years old about anal sex. My goodness, Mr. Speaker, what happened last session? Across the State, parents said, get that stuff out of the schools. And we come back, now we're going to go younger, we're going to go younger.

"It reminds me of the guy who's sick and he's taking medicine, and every time he takes the medicine it makes him feel worse. So the doctor says, well take more medicine, and he feels worse and worse. This is what we're doing.

"Age appropriateness. Young children in elementary schools can suffer mental harm if they are taught sex education too early. Psychiatrist Melvin Anchell noted, 'Scholastic tests done on today's sexually educated 6- to 12-year-olds, indeed, show, 6- to 12-year-olds, what are we doing? What are we doing, Mr. Speaker, 6- to 12-year-olds, can't they have their innocence? Can't they be children, please? I didn't come down here looking for a fight. I was happy until my office guy told me this was on the agenda. '6- to 12-year-olds, indeed, show that these students have accomplished less scholastically than pre-sex-education students.' 'The sex teachings given to the 6- to 12-year-old students keep sexual impulses stirred up, disrupting

sexual growth, as well as personal and cultural achievements. A partial summary of adverse effects due to the sex educators' interferences during this period is that, quote, 'they: 1) make the 6- to 12-year-old student less educable; 2) can block the development of compassion; 3) weaken the mental barriers controlling base sexual instincts, thereby making the child vulnerable to perversions in later life.'

"Well I don't know if there's any such thing as a perversion anymore, Mr. Speaker, because it's all equal. In these courses there is no, have we lost all moral decency? Have we? Have we lost any common moral code as a society? Why do we have to bring this into the kids? Because that's what Planned Parenthood wants to do. And they're not a health organization, their own website says they're a policy advocate organization."

The Chair addressed Representative McDermott, stating:

"Representative, I remind you this is a Second Reading, it's going to the Education Committee. If it passes, it's coming back here again. You'll have ample opportunity then to continue to speak on this issue."

Representative McDermott: "Mr. Speaker, I earned my spot on this Floor, and I'm going to speak. That's all I get in this building, and you're not going to take it away from me."

Speaker Souki: "Well, within the bounds of civility, you can continue."

Representative McDermott: "I'm being civil."

Speaker Souki: "Please continue."

Representative Tupola rose to yield her time, and the Chair "so ordered."

Representative McDermott continued, stating:

"Nowhere in these programs do you hear the concept of a long-term monogamous relationship. Nowhere, Mr. Speaker. That's not part of the game anymore. Long term monogamous relationship is a judgment. Really? The best sex is safe sex in the context of a long-term monogamous relationship. I remember Magic Johnson saying that. It's no longer politically correct. You can't say that, Mr. Speaker."

"And the worse part about these programs is they omit, omit the elevated risks of HIV through these particular behaviors."

At 1:57 o'clock p.m., Representative Saiki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:59 o'clock p.m.

Representative McDermott continued, stating:

"Thank you, Mr. Speaker, and at your urging, I will try and wrap it up, sir. The bad news is, I'll come back at Third Reading. But, Mr. Speaker, the proponents of this are going to say that kids need information and education and more information, and more education, and more tools. The problem is, we're giving them the wrong information, we're not giving them all the information, we're not being truthful and honest. We're omitting elevated risk from anomalous behaviors, we're not telling them that, Mr. Speaker, and that's going to be their attitude."

"The second thing is, they're going to say, well we'll just say no. I'm not calling for abstinence. I'm not asking for abstinence, so I don't want anybody to get up and say, we'll just say no, that doesn't work. Well it worked with smoking, but that's not what I'm asking for, Mr. Speaker. I'm asking for abstinence-based that follows the statute. Now we've got a problem, because this, I want to send out a clear, clarion call to everyone that this is a remarkable change in the sex education policy that starts with elementary school, and Planned Parenthood is going to write it and run it. Thank you."

Representative McDermott's written remarks are as follows:

"I am also concerned that page 3 of the bill states: 'At their own discretion, teachers may answer in good faith any question initiated by a student or students that is reasonably related to and consistent with the material of a course...' This is very broad. I am concerned that when such comments are not part of the written curriculum, parents will have less information regarding what information is actually presented in the classroom."

"Page 4 of the bill states that 'Sexuality health education...shall not discriminate on the basis of sex, race, ethnicity, national origin, disability, religion, sexual orientation, or gender identity'. The reality is that not all relationships are the same. There are health consequences to male-on-male sexual intercourse. According to the CDC, bisexual and homosexual males are about 2% of the US population; but an estimated 57% persons living with an HIV diagnosis in the United States are gay and bisexual men, or gay and bisexual men who also inject drugs."

"This language could mean that homosexual relationships and transgender lifestyles would need to be discussed—even to elementary students. Yet the bill's language could also simultaneously lead to the censorship of the disclosure of the elevated health risks of homosexual behavior—since such disclosure could be deemed 'discrimination'. The bill could also be used to censor dissent against the merits of transgender surgery, even though Johns Hopkins—which originally pioneered such surgeries—stopped doing them because that organization's Dr. Paul McHugh found that transgenderism is a mental disorder."

"For the record, I am attaching copies of my two 'McDermott Reports' into the Journal. Both reports detail some of the problems that my office has observed regarding *Pono Choices*. I am also attaching a summary of some helpful comments that Oahu resident Susan Duffy submitted to my office."

Representative McDermott also submitted the following summary of comments from Susan McDuffy, Oahu resident:

"DOE's 'Sexual Health Education Fact Sheet' has no standards for teaching sex ed to elementary school students. This fact sheet only covers middle and high school."

<http://www.hawaiipublicschools.org/DOE%20Forms/Health%20and%20Nutrition/Sexual%20Health%20Education%20Fact%20Sheet.pdf>

The DOE fact sheet talks about teen pregnancy and STI's as if to imply that this is the big reason we need sex ed. Five year olds cannot get pregnant. Where is the background that illustrates the demand for elementary school sex ed?

Does the legislature want to mandate sex ed for elementary school students without any discussion from parents, without any dialogue whatsoever? This bill carries an inherent anti-parent bias and in my opinion, shows nothing but utter contempt for parents and their rights.

Since there are no DOE standards for teaching sex ed to elementary school students in place, perhaps they are going to use the "National Sexuality Education Standards". If these are anything like the Common Core standards, I am not sure that the "national" sexuality standards are any more legitimate.

In a January 27, 2014 Washington Post article entitled "Why support for Common Core is sinking", Carol Burris, a New York school principal, commented against CC.

<http://www.washingtonpost.com/blogs/answer-sheet/wp/2014/01/27/why-support-for-common-core-is-sinking/>

In a March 24, 2014 Washington Post article entitled "Ravitch: The best reason to oppose the Common Core Standards", Diane Ravitch also provided comments against CC.

<http://www.washingtonpost.com/blogs/answer-sheet/wp/2014/03/24/ravitch-the-best-reason-to-oppose-the-common-core-standards/>

They were written in a manner that violates the nationally and internationally recognized process for writing standards. The process by which they were created was so fundamentally flawed that these "standards" should have no legitimacy.

Setting national academic standards is not something done in stealth by a small group of people, funded by one source, and imposed by the lure of a federal grant in a time of austerity.

There is a recognized protocol for writing standards, and the Common Core standards failed to comply with that protocol.

In the United States, the principles of standard-setting have been clearly spelled out by the American National Standards Institute (ANSI).

On its website ANSI describes how standards should be developed in every field...

ANSI's fundamental principles of standard-setting are transparency, balance, consensus, and due process, including a right to appeal by interested parties. According to ANSI, there are currently more than 10,000 American national standards, covering a broad range of activities.

How about in the area of sex ed? Where was the balance in the development of those standards? The following link talks about the National Sexuality Education Standards. There's no indication that child development experts or child psychologists. Where's the evidence of balance and consensus? Were parents consulted?

<http://www.advocatesforyouth.org/publications/publications-a-z/1947-future-of-sex-education-national-sexuality-education-standards>

The part of the bill that asks the DOE to submit an annual report sounds a little like asking the IRS to "investigate" itself.

The fact is that Comprehensive Sex Education does NOT reduce the incidence of STI's but increases them.

We should not pass any CSE bill with so many unanswered questions."

Representative McDermott also submitted the following:

[Note: Please see the 2014 House Journal, Day 47, Page 607, for "The McDermott Report; The 'Pono Choices' Curriculum: Sexualizing the Innocent"]

## **McDERMOTT REPORT PART II** **Pono Choices: The Credibility Gap Widens**

August 13, 2014

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(40th District -- Ewa, Ewa Beach, Ewa Gentry, Iroquois Point)

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### **I. BOB McDERMOTT'S INTRODUCTORY COMMENTARY**

Parents across Hawaii raised concerns about the *Pono Choices* curriculum. The responses from the Hawaii Department of Education (DOE) have raised more questions for us than they answered. So my office began to dig again and, not surprisingly, what we found was shocking.

Families were told that *Pono Choices* was being tested as a "new curriculum", or a "pilot project". Yet it was never made clear to them that their students were participating in a "research project." Research projects necessarily require "informed consent" when human subjects are involved. Such is the cornerstone of human subject protections. Further, since DOE facilities and resources were used, *Pono Choices* violated several safeguards contained in the Federal Protection of Pupil Rights Amendment (PPRA). This is a horrible breach of trust between the DOE and the Parents, whom the DOE are supposed to serve.

We now know that *Pono Choices* has twice been sent back to the University of Hawaii (UH) for changes. The first time was in 2011, due to the graphic nature of some photos used. More recently, this past June, it was sent back, in order to correct a slew of bogus and misleading information that the chief proponents of the program, Planned Parenthood, passed off as science. What do we now tell the parents whose children, through *Pono Choices*, received unduly graphic material, medically inaccurate and misleading information, and factual errors? How do we go back and remedy the damage that the UH and the DOE have done? Quite simply, we can't.

Contrary to what the DOE states publicly, its criterion for evaluating the "age appropriateness" is shockingly mediocre: "Can the child understand and comprehend the verbiage, grammar and words taught?" Based on this, the department apparently gave little care, if any, to what effect *Pono Choices*' lessons on anal sex would have on students' emotional and psychological makeup.

Despite the DOE's assertions, *Pono Choices* was never certified as medically accurate. The program was submitted to the United States Office of Adolescent Health (OAH), which then subcontracted a medical review via Paltech. These results were then sent to the University of Hawaii. Yet no one ever verifies if the changes were made. Oddly, the OAH then "approve *Pono Choices* for use". Yet here's the trick: The OAH does not approve for medical accuracy, as it has a policy that forbids them from doing so. So with this passing-the-buck, we ended up with the ludicrous definition of the anus a genitalia, and the practical equalization of anal and vaginal sex.

*Pono Choices*, as my office noted in our previous *McDermott Report*, treats homosexuality as a normal, common lifestyle. Yet, based on National Health Interview Survey data from 2013, 96.6% of American adults identified as straight, 1.6% identified as gay or lesbian, and 0.7% identified as bisexual. The remaining 1.1% of adults identified as "something else," stated "I don't know the answer," or refused to provide an answer. Why are we trying to mainstream these aberrant behaviors, and obfuscate the elevated risks on top of that?

If we must discuss behaviors that are anomalies, then the discussion should be in the scientific context using reliable data. That means including the fact that over half of all new

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cases of HIV occur from male homosexual behavior. After all, if we love our children, should we not give them the facts? Telling the very few children who will one day engage in homosexual behavior that the risk is the same as heterosexual behavior is a deadly disservice to them.

Another disturbing fact is the fact that *Pono Choices* had no predator protection module, nor an abuse prevention guide. By repeatedly telling 11 year-old children that they are responsible for their decisions, and through the celebration of aberrant behaviors, we are setting our children up for victimization by those adults who practice pedophilia, ephebophilia, and hebephilia. The harm done by sexual abuse is staggering with an abundance of evidence documenting the harm. With the beginnings of an extraordinarily aggressive movement afoot nationally and internationally to accept "inter-generational" sex as just another orientation, the danger is imminent. One only need read the plethora of articles in respected psychological journals to see the path ahead. After all, they tell us, "love is love". Yet astonishingly, the DOE still finds no compelling need for *Pono Choices* to include a predator protection module.

Additionally, the students, the teachers, and community liaisons were given gift cards for their participation in *Pono Choices*.<sup>1</sup> Not only were such gift cards in violation of state law, but they also necessarily rendered all the data collected in the *Pono Choices* research project as meaningless, due to an inherent input bias as a result of a financial inducement. I asked the DOE to inform me of the dollar value of the taxpayer funded gift cards. They failed to answer me. Consequently, I filed an ethics complaint against the department in July for violating state law. The gift card distribution violated all ethical guidelines in standard research.

The DOE needs to stop its social engineering. I know of NO ONE who has asked that these concepts be introduced to their children.

I recommend the DOE should stick to teaching human reproduction in the context of health education classes, where the students shall learn actual science and useful risk prevention skills. The DOE should implement as a matter of course a robust and rigorous predator protection module. The DOE should fully inform Parents that condom usage will be discussed in such classes and provide complete transparency of the materials. Further, Planned Parenthood needs to get out of our schools as they certainly have a political agenda. The DOE should apologize to parents for using Hawaii's children in a research project as human subjects. Regardless of its internal policy, the DOE should follow ethical mandates with regard to stipends and financial inducements.

Lastly, the DOE needs to remember who they work for: The parents own the school system and pay the freight. Any departure from long-accepted norms should receive broad parental approval.

<sup>1</sup> Department of Education, State of Hawaii, *Implementing Sexual Health Education: Background and Actions for Improvement* 14 (2014), available at <http://www.hawaiipublicschools.org/DOE%20Forms/How-Choice-ImplementationReport.pdf> [hereinafter "Implementation Report"].



It is my genuine hope that this report provides some clarity to the DOE. We are watching.

## II. PREFACE

Due to the overwhelming public response to the tax payer funded sex education program, "Pono Choices" the Hawaii State Department of Education DOE released two reports – "Stakeholder Panel Review: Pono Choices Curriculum" and its companion report "Implementing Sexual Health Education: Background and Actions for Improvement."<sup>2</sup>

III-DOE Deputy Superintendent Ron Nozoe noted, "We hope these two reports and our subsequent actions will put this issue behind us."<sup>3</sup> While these reports do represent a partial victory for parents and for children's advocates, these efforts cannot and will not "put this issue behind us." Glaring problems still exist: The curriculum's content is harmful to children; there is a lack of transparency and misrepresentation of the curriculum's contents by the University of Hawai'i - Center on Disability Studies (UH-CDS); and there are multiple violations of Federal and state law.

*The McDermott Report II – The Credibility Gap Widens*, published by the Office of Hawaii State Representative Bob McDermott, responds to the DOE reports and demonstrates the continued issues facing UH-CDS, the Hawaii State DOE, U.S. Office of Adolescent Health (OAH), Hawaii State Board of Education (BOE), the Governor and the Hawai'i State Legislature.

## III. ANALYSIS

### A. MAKING PONO CHOICES: FROM GRANT APPLICATION TO PILOT TESTING

*Federal Funding is appropriated for research and testing of innovative sex education programs*

During the last decade, state, local, and Federal governments have implemented a large number of new evidence-based practices, the largest number during the last 5 years.<sup>4</sup> In 2010, President Obama and Congress enacted the President's Teen Pregnancy Prevention (TPP) initiative in the Affordable Care Act (ACA) which provided \$110 million for competitive

<sup>2</sup> Department of Education, State of Hawaii, *Department of Education releases sexual education report* (June 5, 2014), <http://www.hawaii.gov/education/2014/06/05/department-of-education-releases-sexual-education-report/>.

<sup>3</sup> Department of Education, State of Hawaii, *Implementing Sexual Health Education: Background and Actions for Improvement 3* (2014), available at <http://www.hawaii.gov/education/2014/06/05/department-of-education-releases-sexual-education-report/> [hereinafter "Implementation Report"].

<sup>4</sup> See Evelyn M. Kappeler & Amy Feldman Path, *Historical Context for the Creation of the Office of Adolescent Health and Teen Pregnancy Prevention Program*, *Journal of Adolescent Health*, 53:39 (2014), available at [http://www.jahonline.org/article/S1539-0198\(13\)00777-1/abstract](http://www.jahonline.org/article/S1539-0198(13)00777-1/abstract).

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contracts and grants for both private and public entities to fund "medically accurate and age-appropriate programs that reduce teen pregnancy and associated risk behaviors."<sup>5</sup>

In order to carry out the TPP initiative, the U.S. Office of Adolescent Health (OAH) was formed under the U.S. Department of Health and Human Services (HHS).<sup>6</sup> OAH is "the convener and catalyst for the development of a national adolescent health agenda."<sup>7</sup> In furtherance of this agenda, OAH provides grants to test sex education programs on students nationwide to build a body of evidence for "evidence-based" "programs that work".

Starting in 2010, OAH awarded Teen Pregnancy Prevention (TPP) 5-year cooperative agreement grants.<sup>8</sup> This teen pregnancy prevention grant initiative consists of two funding tiers: Tier 1 for the "replication of evidence-based programs" and Tier 2 to "develop and test additional models and innovative strategies." Nationwide, approximately 170,000 pretens and teens are "served" each year by these programs.<sup>9</sup>

All TPP grants are 5-year cooperative agreements requiring "substantial involvement" between OAH and the grantee.<sup>10</sup> At the end of the 5-year cooperative agreement (2015), OAH expects that all programs developed and evaluated with funding from TPP grants be "packaged" "implementation ready" and "available for replication" in other areas of the country.<sup>11</sup>

*U.S. Office of Adolescent Health awarded University of Hawai'i Center on Disability Studies a Teen Pregnancy Prevention (TPP- Tier 2) Grant to develop and implement an innovative sex education curriculum*

UH-CDS is an organization "focused upon development and conduct of interdisciplinary education, training, research, demonstration and evaluation, and university and community service."<sup>12</sup> In 2010, UH-CDS applied for and received a TPP Tier-2 grant from OAH to develop

<sup>5</sup> Sexuality Information and Education Council of the United States, *Fact Sheet: The President's Teen Pregnancy Prevention Initiative* (May 2012), <http://www.siecen.org/factsheets/factsheet-teen-pregnancy-prevention-initiative-1194/>.

<sup>6</sup> Office of Adolescent Health, *About Us* (May 19, 2014), <http://www.hhs.gov/adolescent-health/about-us/>.

<sup>7</sup> *Id.*

<sup>8</sup> See Jo Anne G. Jensen, Elizabeth L. Moreno, & Tara M. Rice, *Office of Adolescent Health Medical Accuracy Review Process—Helping Ensure the Medical Accuracy of Teen Pregnancy Prevention Program Materials*, *Journal of Adolescent Health*, S21–S23 (2014), available at [http://www.jahonline.org/article/S1539-0198\(13\)00788-1/abstract](http://www.jahonline.org/article/S1539-0198(13)00788-1/abstract).

<sup>9</sup> Office of Adolescent Health, *About Us* (June 2, 2014), <http://www.hhs.gov/adolescent-health/about-us/>.

<sup>10</sup> *Id.*

<sup>11</sup> Evelyn Kappeler, Office of Adolescent Health, *Teen Pregnancy Prevention: Moving Forward, Making a Difference* (March 13, 2012), <http://www.hhs.gov/adolescent-health/initiative/teen-pregnancy-prevention-report-130112.pdf>.

<sup>12</sup> U.S. Department of Health and Human Services, *Teenage Pregnancy Prevention (TPP): Research and Demonstration Programs and Personal Responsibility Education Program (PREP) Funding Opportunity Announcement and Application Instructions 13* (2010), available at <http://www.hhs.gov/adolescent-health/tp-prep-130110.pdf>.

<sup>13</sup> Evelyn Kappeler, Office of Adolescent Health, *OAH Grants Guidance, OAH 2014-1* (May 21, 2014), available at <http://www.hhs.gov/adolescent-health/initiative/tp-prep-130110.pdf> [hereinafter "Kappeler Guidance 2014-1"].

<sup>14</sup> Center on Disability Studies, *About the Center on Disability Studies* (August 11, 2014), <http://www.cds.hawaii.edu/about>.

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and implement the untested innovative sex education program "Pono Choices."<sup>14</sup> This program's targeted population is "Native Hawaiians, Part-Hawaiians, and other Asian-Pacific islanders, ages 11-13."<sup>15</sup>

According to the Federal grant Funding Opportunity Announcement (FOA),<sup>16</sup> OAH was seeking "priority populations" like Native Hawaiians to test innovative sex education programs in part because they exhibit "high-risk factors" such as "high rates of poverty, juvenile incarceration, school drop-out, and domestic violence; vulnerable and culturally underrepresented youth populations, immigrant populations; those in foster care or in the adjudication system; and high teenage pregnancy rates."<sup>17</sup>

*Creating Pono Choices – a "solution" to high STI rates and teen pregnancy rates in Hawai'i*

UH-CDS recognizes that "teen pregnancy and sexually transmitted infections (STIs) are serious public health issues."<sup>18</sup> Their "solution"<sup>19</sup> to these problems is Pono Choices, a sex education program that "provides young adolescents with the knowledge, attitudes, beliefs and skills necessary to reduce their risk of sexually transmitted infections (STIs) and pregnancy by incorporating medically accurate information, character education and Hawaiian cultural values."<sup>20</sup>

Pono Choices "core writing team" consisted of individual staff members from ALU LIKE, Inc., Planned Parenthood of Hawaii (PPH), and UH-CDS.<sup>21</sup> UH-CDS incorporated aspects of three primary evidence-based programs: (1) *Making Proud Choices!* (2) *Positive Action* (3) *Na Ha'awina Ilo'opono – Lessons in Behaving Correctly*.<sup>22</sup>

UH-CDS also contracted with *Making Proud Choices!* developers and *Positive Action* developers to ensure that components of their respective programs were integrated into Pono

<sup>14</sup> Sexuality Information and Education Council of the United States, *Hawaii State Profile Fiscal Year 2010*, <http://www.siecen.org/factsheets/factsheet-hawaii-state-profile-fiscal-year-2010-1204/>.

<sup>15</sup> *Pono Choices Grant Application TP22010000238 Awarded 67*, [hereinafter "Pono Choices Grant Application"]

An electronic copy of this 119-page document is available from the Office of Rep. McDermott upon request.

<sup>16</sup> U.S. Department of Health and Human Services, *Teenage Pregnancy Prevention: Replication of Evidence-Based Programs* (2010), available at <http://www.hhs.gov/adolescent-health/tp-prep-130110.pdf> [hereinafter "TPP Announcement"]

<sup>17</sup> Pono Choices Grant Application at 67.

<sup>18</sup> *Id.*

<sup>19</sup> Kelly Roberts, University of Health Center for Disability Studies, *Pono Choices: A Culturally Responsive Teen Pregnancy and STI Prevention Program* (unpublished brochure), available at <http://www.cds.hawaii.edu/ponochoices/ponochoicesbrochure20140720na/ponochoicesbrochure.pdf> [hereinafter "Pono Choices Brochure"]

<sup>20</sup> Pono Choices Grant Application at 67.

<sup>21</sup> Holly Manaseri, Denise Uehara & Kelly Roberts, *Making Pono Choices: A Collaborative Approach to Developing a Culturally Responsive Teen Pregnancy and Sexually Transmitted Infections Prevention Curriculum in Hawai'i*, *Maternal and Child Health Journal* 1 (2013) [hereinafter "Manaseri Material"]

<sup>22</sup> Pono Choices Grant Application at 66.

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Choices with "fidelity."<sup>23</sup> Additionally, UH-CDS collaborated in the development of Pono Choices with "full participation" from the Hawaii State DOE.<sup>24</sup>

Pono Choices was first pilot tested in April 2011.<sup>25</sup> Based on "feedback from the teacher and students" in the pilot test 1, the Pono Choices writers, among other changes, removed some "graphic pictures" from the program.<sup>26</sup> A few months later, "pilot testing of the revised curriculum took place in an O'ahu middle school."<sup>27</sup> To "test the curriculum's design", Pono Choices writers gave surveys to students before and after they participated in the program and asked students to "rate their knowledge attitude, skills, intentions and behaviors about various sexual health topics."<sup>28</sup>

Additionally, throughout this process, the "effectiveness" of each pilot testing period was assessed "in relation to change in knowledge beliefs, and behaviors that promote safe sex practices and reduce the risk of pregnancy and STIs."<sup>29</sup> More changes were made as a result of pilot test 2.<sup>30</sup>

Pilot test 3 continued at the same O'ahu middle school with a smaller group of the same students who participated in the second pilot test. By the end of this pilot testing period, the Pono Choices curriculum team was "confident that the curriculum was ready to implement."<sup>31</sup>

Pono Choices was appraised with guidelines from "Standards for High Quality Health Education Curriculum." Additionally, UH-CDS contracted with an external evaluator Berkeley Policy Associates (now Impaq International) to appraise the Pono Choices program against State of Hawaii Standards and Benchmarks.<sup>32</sup>

After all the pilot testing and many revisions, Pono Choices was "ready" and teachers are instructed in Module 1 to tell the students that Pono Choices curriculum "meets several standards and benchmarks" set by the state and "the state of Hawaii has decided that it's important for you to learn about this."<sup>33</sup>

<sup>23</sup> Pono Choices Grant Application at 67.

<sup>24</sup> Denise Uehara, Holly Manaseri, & Kelly Roberts, *Evidence-Based Decision Making in Teen Pregnancy and STI Prevention Research: Lessons from the Pono Choices Study* (May 20, 2013), available at <http://www.impactinternational.com/fdls/508220130520na/ponochoicesresearchreport.pdf> [hereinafter "Uehara Powerpoint"]

<sup>25</sup> See Manaseri Material.

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> Center on Disability Studies, *Pono Choices: A Culturally Responsive Teen Pregnancy and STI Prevention Program For Middle School Youth - Curriculum Manual Module 1*, p. 2 (2013), available at <http://cds.hawaii.edu/ponochoices/ponochoicescurriculummanualmodule1.pdf> [hereinafter "Pono Choices Curriculum"]

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## B. A FLAWED PROCESS LEADS TO A FLAWED PRODUCT

*Planned Parenthood of Hawai'i (PPH) is unqualified to provide "expertise" in medical accuracy*

Both Federal law and Hawai'i state law require sex education programs to be medically accurate. The Federal law specifying the requirements for the TPP grantees states that:

The term "medically accurate and complete" means verified or supported by research conducted in compliance with accepted scientific methods and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, such as the Federal Centers for Disease Control and Prevention, the American Public Health Association, the American Academy of Pediatrics, and the American College of Obstetricians and Gynecologists.<sup>34</sup>

Hawai'i state law has a very similar definition of medical accuracy in sex education:

Medically accurate means verified or supported by research conducted in compliance with accepted scientific methods and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, such as the Federal Centers for Disease Control and Prevention, the American Public Health Association, the American Academy of Pediatrics, and the American College of Obstetricians and Gynecologists.<sup>35</sup>

Pono Choices does not meet either the Federal or Hawai'i state law. In developing the Pono Choices curriculum, UH-CDS contracted with Planned Parenthood of Hawai'i (PPH) to provide "expertise" in ensuring that "medically accurate terminology" was "embedded throughout the [Pono Choices] lessons."<sup>36</sup>

Unlike the American Academy of Pediatrics, or the other organizations specifically identified in Federal and Hawai'i state law, Planned Parenthood is not qualified to ensure medical accuracy. Despite this, PPH and UH-CDS worked together to create "Pono Choices definitions"<sup>37</sup> to describe words that already have medically accurate definitions like "genital" and "anus."

*Stedman's Medical Dictionary* is an authoritative source relied on by medical professionals throughout the country. The medically accurate definition of genital is "relating to

<sup>34</sup> Patient Protection and Affordable Care Act, Pub. L. No. 111-148, available at <http://www.gpo.gov/fdsys/pkg/PLAW-111publ148/pdf/PLAW-111publ148.pdf>.  
<sup>35</sup> Law Rev. Stat. § 321-11.1, available at <http://www.capitol.hawaii.gov/legislation/legislation.cfm?ID=1111&ID2=1111&ID3=1111>.  
<sup>36</sup> Manaseri Material.  
<sup>37</sup> Center on Disability Studies, *Frequently Asked Questions About Pono Choices*, <http://www.cds.hawaii.edu/ponochoices/faq/>; [hereinafter "Pono Choices FAQ"].

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reproduction"<sup>38</sup> and the medically accurate definition of genitalia is "organs of reproduction or generation, external and internal."<sup>39</sup>

However, Pono Choices curriculum defines anus as a genital because anal penetration is one way "sexually transmitted infections are transmitted."<sup>40</sup> UH-CDS defends this characterization of the anus as a genital by citing *Merriam-Webster's Dictionary*, which states that a genital is "of, relating to, or being a sexual organ."<sup>41</sup> These are not medically accurate or objective medical definitions.

The Hawai'i State DOE convened a "stakeholder review panel" which produced a report in response to many community members' concerns of medical inaccuracies and other age-appropriateness issues found in Pono Choices. In this report, a panel member shared that, "There is no one definition of the word 'genital,' and there is disagreement even within the medical community as to whether or not the 'anus' should be defined as a genital."<sup>42</sup>

While it is true that there is more than one definition of "genital," the laws require the medically accurate definition. It is unacceptable and indefensible to use a definition that does not meet the standards for medical accuracy as specified in Hawai'i state law and set out by Congress in the Affordable Care Act.

On February 18, 2014, Craig Astle, a medical doctor, concerned about this and other medical inaccuracies found in Pono Choices submitted comments to the Hawai'i State DOE, stating that:

Genital organs are part of the reproductive system. The anus, however, is clearly part of the gastrointestinal tract and its function is fecal elimination, having nothing to do with reproduction. This flagrant falsehood purporting that the anus is somehow a genital organ and therefore a "natural" part of sexual expression seems intentionally misleading.

(See Appendix A.) In addition to the violations of state and Federal law, this and many other medical inaccuracies taught by the Pono Choices curriculum obscure and minimize the heightened risks to children ages 11-13 of certain alternative sexual activities.<sup>43</sup>

For example, Pono Choices does not distinguish between the extraordinarily different rates of contracting STI through anal penetration versus vaginal sex. In defense of this position, a medical doctor on the DOE stakeholder review panel shared that "unprotected anal or vaginal sex are both higher risk than protected anal or vaginal risk and differentiating between the

<sup>38</sup> Thomas Lathrop Stedman, *Stedman's Medical Dictionary* 799 (28 ed. 2005).

<sup>39</sup> *Id.*

<sup>40</sup> Pono Choices FAQ.

<sup>41</sup> *Id.*

<sup>42</sup> Implementation Report at 28.

<sup>43</sup> Bob McDermott and Paul Kinohi, *The McDermott Report: The "Pono Choices" Curriculum: Sexualizing the Innocent* (January 31, 2014), available at <http://www.mcdermottreport.com/wp-content/uploads/2014/01/The-McDermott-Report-2014-01-31-0607>.

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statistics may be unnecessary."<sup>44</sup> This is dangerous and misleading to tell children. "It is a well-documented fact that anal sex has a much higher transmission rate of sexually transmitted infections than vaginal sex does." (See Appendix A.)

The doctor further notes that:

...anal intercourse and oral sex are equivalent practices with vaginal intercourse. As a gynecologist I can assure you that such is not the case. The vagina is well suited to penile penetration and can withstand the friction involved due to a unique vaginal mucosa which lubricates and cleanses the vaginal vault. Special glands at the vaginal opening also aid in lubrication. The anus has no such glands for lubrication and is designed for expulsion only. The repeated friction from anal penetration can damage the more delicate mucosa, causing micro tears and increasing the likelihood of STD transmission. Chronic abuse of the anus as a receptacle can lead to fecal incontinence. It is false and irresponsible to teach, even if only by passive suggestion, that anal and vaginal intercourse are somehow both natural and equivalent.

(See Appendix A.) These, among many other, medical inaccuracies embedded in Pono Choices were significant in the DOE's determination to suspend the program earlier this summer.<sup>45</sup> However, UH-CDS seems unconvinced of the need for a medically accurate curriculum. In a new brochure produced by UH-CDS, it uses the term "medically appropriate" to describe Pono Choices.<sup>46</sup>

Pono Choices writers assert that they want to "reduce health risks for school children."<sup>47</sup> However, because Pono Choices presents medically inaccurate and incomplete and deceptive information, UH-CDS put students at risk and the Hawai'i State DOE failed in its obligation to keep students from harm.

Due to the many harmful medical inaccuracies and incomplete information, several parents recently filed a petition with the U.S. Department of Health and Human Services to defund UH-CDS Tier-2 research grant program, Pono Choices. To add support, please submit a comment for an amended petition to [petitions@hhs.gov](mailto:petitions@hhs.gov) by August 31, 2014.

### Office of Adolescent Health Review of Pono Choices Curriculum to "ensure medical accuracy"

As a Federal agency, OAH, under the U.S. Department of Health and Human Services (HHS) is granted its power by Congress through statutory law. In this case, OAH, under HHS is carrying out the law governing Teen Pregnancy Prevention (TPP) grant requirements as specified

<sup>44</sup> Implementation Report at 23.

<sup>45</sup> Implementation Report at 28.

<sup>46</sup> Pono Choices Brochure.

<sup>47</sup> Manaseri Material.

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in the Affordable Care Act (ACA). The ACA directs that all TPP grantee programs be "medically accurate." In accordance with this statutory directive, the TPP Funding Opportunity Announcement announced that "Programs funded under this announcement need to ensure that information provided is age appropriate, and scientifically and medically accurate."<sup>48</sup> In order to help ensure that the TPP grantee programs are medically accurate, OAH uses a "medical accuracy review process" in which all grantees, including UH-CDS are required to submit "all core curriculum and related educational materials to OAH for review and approval prior to use in the program."<sup>49</sup>

HHS/OAH then submits these materials to a contracted external evaluator (Paltech) for review. "The review shall ensure that the materials are medically accurate and up-to-date" and any program, including Pono Choices "may not be used until the curricula are approved" by OAH.<sup>50</sup> However, OAH also notifies grantees that "although the medical accuracy review report details the medical accuracy issues found during the review, any revised curricula developed in response to the report should neither be characterized as approved by OAH nor contain any language indicating that all medical accuracy recommendations have been incorporated into the curriculum."<sup>51</sup>

Despite this, the Hawai'i State DOE and UH-CDS continue to assert that Pono Choices was approved by OAH as medically accurate. For example, from the DOE report, "OAH reviewed and approved the curriculum materials as meeting the threshold of both age-appropriate and medically accurate and complete."<sup>52</sup>

Last week, the U.S. Department of Health and Human Services (HHS), which oversees all OAH projects, responded to inquiries regarding the medical accuracy review process and clarified that:

The U.S. Department of Health and Human Services does not approve curricula for use in public schools. That is the responsibility of state and local education officials... As a condition of their funding awards, all OAH Teen Pregnancy Prevention grantees are required to submit program materials to OAH for medical accuracy review and respond to any medical inaccuracies which are noted in the review prior to implementation of their grant-funded program.

(See Appendix B.) OAH's role is to help by providing a review including recommendations for changes to medical accuracies issues but it is the sole responsibility of the grantee (UH-CDS) to

<sup>48</sup> TPP Announcement at 9.

<sup>49</sup> See Jo Anne G. Jensen, Elizabeth L. Moreno, & Tara M. Rice, *Office of Adolescent Health Medical Accuracy Review Process—Helping Ensure the Medical Accuracy of Teen Pregnancy Prevention Program Materials*, *Journal of Adolescent Health*, S21–S23 (2014), available at <http://www.sciencedirect.com/science/article/pii/S1526070214000706>.

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> Implementation Report at 13.

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ensure medical accuracy of Pono Choices to "be compliant with the medical accuracy requirement as prescribed by Congress."<sup>53</sup>

The medical inaccuracies found in Pono Choices are a result of a systemic failure. The University of Hawai'i created Pono Choices and says that OAH has approved it as medically accurate. OAH has a process to review all curriculum for medical accuracy but will not say that individual programs are medically accurate. Then, Hawai'i state DOE, in its curriculum approval process that lacks "consistency, common understanding, clear communication, transparency, and quality implementation" allows a program like Pono Choices into the schools.<sup>54</sup> Such a conceptualization fails to take into consideration the highest priority of a medical review: ensuring the safety of the children such program are intended to serve.

In response to a Freedom of Information Act (FOIA) request regarding the medical accuracy review process, the Department of Health and Human Services (IHSS), sent an email (See Appendix B), and directed us to an article by Jo Anne G. Jensen, Elizabeth L. Moreno, & Tara M. Rice in the *Journal of Adolescent Health*.<sup>55</sup> We also received a Medical Accuracy Review Form. (See Appendix C).

*Pono Choices is patterned after a sex education program Making Proud Choices! which has been designated by the Hawaii State DOE as not sufficiently abstinence-based to meet requirements of State Law.*

Federal law governing the TPP grant and Hawai'i state law require that sex education in Hawai'i place a "substantial emphasis"<sup>56</sup> on abstinence and contraception and be "abstinence-based,"<sup>57</sup> respectively.

Pono Choices is based on *Making Proud Choices!*,<sup>58</sup> a sex education program that was pilot tested on a target population of low-income African American adolescents (11-13 years old) in Philadelphia, Pennsylvania in 1998.<sup>59</sup> *Making Proud Choices!* emphasizes the importance of condoms to reduce the risk of pregnancy and STIs, including HIV.<sup>60</sup> Instead of highlighting the real benefits of pre-teen abstinence, *Making Proud Choices!*, like Pono Choices, attempts to affect pre-teen sexual behavior with a curriculum that places emphasis on "safer sex".<sup>61</sup>

<sup>53</sup> Jensen, *supra* at 522.

<sup>54</sup> Implementation Report at 10.

<sup>55</sup> Jensen, *supra*.

<sup>56</sup> Patient Protection and Affordable Care Act, Pub. L. No. 111-148, available at <http://www.gpo.gov/fdsys/pkg/PLAW-111/publ148/pdf/PLAW-111/publ148.pdf>.

<sup>57</sup> Board of Education, State of Hawaii, Policy No. 2110 (September 1995), available at <http://www.hawaii.gov/education/policies/2110.htm>.

<sup>58</sup> Office of Adolescent Health, University of Hawai'i (UHI) - TPP Tier 2 Grants Details (July 19, 2013) <http://www.hawaiiadolescenthealth.org/adolescenthealth/tier2.htm>.

<sup>59</sup> Advocates for Youth, *Publications: Making Proud Choices!*, <http://www.adolescentforayouth.org/publications/11-13-making-proud-choices>.

<sup>60</sup> *Id.*

<sup>61</sup> Advocates for Youth, *Publications: Making Proud Choices!*, <http://www.adolescentforayouth.org/publications/11-13-making-proud-choices>.

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UHI-CDS contracted with program developers of *Making Proud Choices!* to implement components of their program into Pono Choices "with fidelity."<sup>62</sup> *Making Proud Choices!* is specifically designated as not sufficiently abstinence-based to meet Hawai'i state requirements of abstinence-based sex education because it "provides youth with little emphasis on abstinence."<sup>63</sup>

*Planned Parenthood of Hawai'i (PPH) is incapable of providing a meaningful contribution to an abstinence-based education curriculum*

Nearly all parents believe that teens should be encouraged to delay sex until after high school.<sup>64</sup> Most teens who have been sexually active wish they had waited longer to initiate sexual activity.<sup>65</sup> Moreover, the American College of Pediatricians notes that "by every measure, adolescent sexual activity is detrimental to the well-being of all involved, especially young women."<sup>66</sup>

Hawai'i state law supports this position by requiring "abstinence-based" sex education curriculum. Additionally, the ACA requires that TPP grantee programs place a "substantial emphasis" on abstinence. These laws reflect the public health principle of primary prevention "risk avoidance in lieu of risk reduction."<sup>67</sup>

PPH is not qualified to assist in the development of an abstinence-based education program because it does not place a substantial emphasis on abstinence. This is because Planned Parenthood heavily advocates for "comprehensive sex education" which according to its website "provides young people with positive messages about sex and sexuality as natural, normal parts of life."<sup>68</sup> This brand of sex education covers human development, human reproduction, sexual health, masturbation and other sexual behaviors, all options for unintended pregnancies, sexual expression, sexual identity and sexual orientation.<sup>69</sup>

Additionally other listed sources for the Pono Choices curriculum include organizations such as Advocates for Youth, which declares that "all young people have the right to comprehensive sex education."<sup>70</sup> These programs, organizations and websites do not focus on abstinence as a viable and healthy option for children. They focus on sexual rights for youth. The core writing team of UHI-CDS and PPH in patterning Pono Choices after *Making Proud Choices!*

<sup>62</sup> Pono Choices Grant Application at 67.

<sup>63</sup> Kathryn S. Matayoshi, *Memorandum from Superintendent of Education* (May 7, 2012) available as Appendix A at <http://stateadolescenthealth.org/files/18153116/20120507%20KSM%20memo%20to%20DOH%201507311607>.

<sup>64</sup> Miriam Grossman, *You're Teaching My Child What? 56* (2009).

<sup>65</sup> The National Campaign, *Teens Say Parents Most Influence Their Decisions about Sex: New Survey Released in Advance of The National Day to Prevent Teen Pregnancy* (May 1, 2012), <http://www.therepublican.com/news/teens-say-parents-most-influence-their-decisions-about-sex/>.

<sup>66</sup> American College of Pediatricians, *Abstinence Education* (October 2010), <http://www.acpeds.org/abstinence-education>.

<sup>67</sup> *Id.*

<sup>68</sup> Planned Parenthood, *Curricula & Manuals*, <http://www.plannedparenthood.org/curricula-manuals>.

<sup>69</sup> *Id.*

<sup>70</sup> Advocates for Youth, *Public Policy*, <http://www.adolescentforayouth.org/policy-and-advocacy/federal-policy>.

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has not created an abstinence-based sex education program, but rather one that reflects the "comprehensive sex education" advocacy goals of its authors.

Children exposed to Pono Choices curriculum have made it clear that the message communicated is *not* abstinence-based. A local 7<sup>th</sup> grader who went through the Pono Choices curriculum at Niu Valley Middle School described how Pono Choices teaches that sex is okay with anyone, just as long as it's "safe sex." "I feel that a bunch of what we've learned isn't more about prevention or safe sex, it's more about just sex instead," he said.<sup>71</sup>

*Pono Choices curriculum utilizes a social learning theory that aligns with the concept of "emancipatory learning" framework*

Pono Choices writers "desired to have students engaged in activities that allowed them to consider the information and be empowered to make decisions for themselves."<sup>72</sup> The Pono Choices activities — which include role playing in which students practice asking and refusing sex from each other, and writing about sex (mouth on genitals [and the anus], vaginal sex, oral sex and anal sex), and other interactive activities "align with the concepts of an emancipatory learning framework."<sup>73</sup>

The "goal of emancipatory learning is to free learners from the forces that limit their options and control their lives and to move them to act for social and political change."<sup>74</sup> For children ages 11-13, the "forces that limit their options" and "control their lives" are parents and their families' trusted community members.

The emphasis in Pono Choices upon empowering children to make sexual decisions for themselves<sup>75</sup> lines up with the purpose of the emancipatory learning style on "empowerment" for the learner. Advocates for Youth, which is listed on UHI-CDS website as a Pono Choices resource describes emancipatory sex education as:

A positive, non-repressive, and dialogue-based approach which gradually introduces sexuality and provides information and support for sex as an expression of emotion and tenderness. Relationships are a primary concern and provide a dual responsibility for sexual behavior. The strategies of this sexuality education are theme-centered interaction, role playing, and exploration, rather than traditional lectures.<sup>76</sup>

<sup>71</sup> Jim Mendoza, *American Now*, *Pono Choices Sex Ed Course Concerns Some Parents* (November 14, 2013), <http://www.africanamericannews.com/stories/2013/11/14/pono-choices-sex-ed-course-concerns-some-parents/>.

<sup>72</sup> Munneri Maternal.

<sup>73</sup> *Id.*

<sup>74</sup> Susan Imel, *How Emancipatory is Adult Learning? Myths and Realities No. 6* (1999), available at <http://www.susanemel.com/ELN6.pdf>.

<sup>75</sup> See generally McDemott *supra*.

<sup>76</sup> Linda Berne and Barbara Huberman, *Advocates for Youth, European Approaches to Adolescent Sexual Behavior and Responsibility* (1999), available at <http://www.adolescentforayouth.org/publications/308-sexual-behavior>.

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Sex education should provide information on finding a personal identity, understanding gender roles, finding a partner, shaping a full sexual life and understanding its positive effects, discovering different lifestyles and creating life plans.<sup>77</sup>

Pono Choices writers subscribe to the belief that programs like Pono Choices aimed at emancipatory learning can help students gain more autonomy and independence. However, this use of emancipatory learning framework within a sexual health curriculum for 11-13 year old is inappropriate. Emancipatory learning, "with its emphasis on learner transformation, can take place only in adulthood because, it is only in late adolescence and in adulthood that a person can recognize being caught in his/her own history and reliving it".<sup>78</sup>

*UHI-CDS contracts with an external evaluator (Impaq International) which used an incorrect standard to determine that Pono Choices is "age-appropriate" as required by Hawai'i state law*

According to Hawai'i state law, "age-appropriate" in sex health education means "suitable to a particular age or age group based on developing cognitive, emotional, and behavioral capacity typical for that age or age group."<sup>79</sup>

However, an incorrect standard was used to determine that the curriculum is age appropriate. UHI-CDS contracted with an external evaluator Berkeley Policy Associates (now Impaq International)<sup>80</sup> which found that the Pono Choices curriculum is "age-appropriate and developmentally-appropriate" because "observations of curriculum development team indicate consistent consideration of verbiage to be used to ensure best comprehension by the most students in grade 7."<sup>81</sup>

While it is true that determining the age appropriateness of sexual education is challenging, the legal standard for age appropriate in sex education as set by the state is whether the curriculum is "suitable." The observation that the curriculum uses "consistent consideration of verbiage" to best ensure that students understand extremely graphic material does not make it "age-appropriate."

*UHI-CDS collaborated in the development of Pono Choices with "full participation"<sup>82</sup> from Hawai'i State DOE.*

<sup>77</sup> *Id.*

<sup>78</sup> Imel *supra*.

<sup>79</sup> Haw. Rev. Stat. § 321-11.1, available at <http://www.capitol.hawaii.gov/statutes/Vol03-1/030521.html>.

<sup>80</sup> (ALL) IMPAQ International, *Improving the Lives of Those Who Matter Most*, [http://www.impaq.com/sites/default/files/IMPAC\\_Education\\_Final.pdf](http://www.impaq.com/sites/default/files/IMPAC_Education_Final.pdf).

<sup>81</sup> IMPAQ International, *Improving the Lives of Those Who Matter Most*, [http://www.impaq.com/sites/default/files/IMPAC\\_Education\\_Final.pdf](http://www.impaq.com/sites/default/files/IMPAC_Education_Final.pdf).

<sup>82</sup> Denise Uehara, Holly Munneri, & Kelly Roberts, *Evidence-Based Decision Making in Teen Pregnancy and STI Prevention Research: Lessons from the Pono Choices Study*, (May 20, 2013), available at <http://www.evidencebaseddecisionmaking.com/2013/05/20/evidence-based-decision-making-pono-choices-study/>.

<sup>83</sup> Munneri Maternal.

<sup>84</sup> Denise Uehara, Holly Munneri, & Kelly Roberts, *Evidence-Based Decision Making in Teen Pregnancy and STI Prevention Research: Lessons from the Pono Choices Study*, (May 20, 2013), available at <http://www.evidencebaseddecisionmaking.com/2013/05/20/evidence-based-decision-making-pono-choices-study/>.

<sup>85</sup> Munneri Maternal.

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Staff from the DOE worked with UH-CDS to ensure that the review of Pono Choices aligned with HCPS III health education benchmarks, Health Education Curriculum Analysis Tool (HECAT) and CDC's Characteristics of an Effective Health Education Curriculum. It is baffling that with a review of these tools, Pono Choices could have qualified as being ready introduction at our public schools.

Pono Choices curriculum also apparently passed review of the DOE curriculum approval process known as Approved Instructional Materials (AIM). However, the DOE recently found that this AIM process generally lacks "consistency, common understanding, clear communication, transparency, and quality implementation."<sup>43</sup>

#### *Parents excluded from the development of Pono Choices to ensure age-appropriate curriculum*

UH-CDS stated in their grant application that "Pono Choices will be developed through a participatory process involving students, parents, teachers, project staff, and other stakeholders, each of whom will provide input on the lessons and ensure the final curriculum is age-appropriate."<sup>44</sup> However, parents were *not* included in the process of providing input on lessons to "ensure the final curriculum is age appropriate."

UH-CDS recently produced a brochure stating that "the Pono Choices Curriculum Development Process" gives the role to parents in developing Pono Choices in that they "reviewed the completed product and provided feedback."<sup>45</sup> This "role" for parents is a far cry from the grant application description of parental involvement to ensure the final curriculum is age-appropriate. Moreover, this role is difficult to fulfill because parents are not notified of their right to review the curriculum.

Additionally, the Hawai'i state DOE and UH-CDS seem to be confused about the point at which parents were or should be involved. The DOE asserts that parents' involvement in Pono Choices is limited to decisions about "their student's participation" (i.e. a parent can opt their child out of participation in the Pono Choices curriculum).<sup>46</sup>

#### *Predator Protection Module*

Pono Choices cannot teach children that sexual experience with anyone is normal and yet still have no information on sexual assault and online or other sexual predators. The curriculum seems to assume that if a child is having a sexual encounter, then that there is equal ability to consent, and equal power and control between the child and other person(s).

<sup>43</sup> Implementation Report at 10.  
<sup>44</sup> Pono Choices Grant Application at 62.  
<sup>45</sup> Pono Choices Brochure.  
<sup>46</sup> See generally Implementation Report.

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Pono Choices seeks to be inclusive of all sexual orientations and sexual preferences. With no ages ever specified in the many role-plays and scenarios, and with sexual experience taught as a normal part of their lives, there is a glaring absence of a sexual assault/sexual predator module for the students.

This rebranded "inclusive"<sup>47</sup> curriculum is particularly harmful to young children. Parents are not informed of this fact in either the parent night or the letter home to the parent intended to describe the controversial aspects of the curriculum.

Additionally, normalization of all sexual behavior and a "non-judgmental" trend in sex education is concerning because 10% of high school students have been physically forced to have sexual intercourse (when they did not want to)<sup>48</sup> and because of the increased recognition of "minor attracted persons" or pedophilia, as a sexual orientation. Pedophilia is a deep rooted predisposition of sexual attraction to prepubescent children that does not change.<sup>49</sup> Minor attracted persons organizations advocate for lowering the age of consent so that nobody is "disadvantaged because of their age" and describe their criminal behavior as "inter-generational sex" to de-stigmatize acting on their sexual activities with children.

In 2013, the American Psychiatric Association (APA) listed pedophilia as a sexual orientation in the fifth edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM V):

Pedophilia refers to a sexual orientation or profession of sexual preference devoid of consummation, whereas pedophilic disorder is defined as a compulsion and is used in reference to individuals who act on their sexuality.<sup>50</sup>

After this information was cited and heavily circulated, APA quickly changed their "error" and removed pedophilia as a sexual orientation.<sup>51</sup> However, medical researchers at Harvard<sup>52</sup> and doctors in Canada, the UK and elsewhere have declared that pedophilia is a sexual orientation.

<sup>47</sup> Pono Choices FAQ.  
<sup>48</sup> Office of Adolescent Health, *Hawaii Adolescent Reproductive Health Facts* (August 23, 2013), <http://www.teenresearchhawaii.org/sites/default/files/adolescent-reproductive-health-facts-hi-hm>.  
<sup>49</sup> Alan Zarembo, *Los Angeles Times*, *Many researchers taking a different view of pedophilia* (January 14, 2013), <http://articles.latimes.com/2013/jan/14/la-hi-na-pedophilia-20130114>.  
<sup>50</sup> Hannah Mahony, *Neotommy*, *Pedophilia Now Classified As A Sexual Orientation* (October 25, 2013), <http://www.neotommy.com/news/2013/10/pedophilia-is-sexual-orientation/>.  
<sup>51</sup> Susan Berry, *Breitbart.com*, *American Psychiatric Association Reclarifies Pedophilia*, *Backtracks* (November 2, 2013), <http://www.breitbart.com/health/2013/11/02/American-Psychiatric-Association-Reclarifies-Pedophilia/>.  
<sup>52</sup> *Harvard Mental Health Letter*, *Pessimism About Pedophilia* (July 2010), available at [http://www.health.harvard.edu/newsletters/Harvard\\_Mental\\_Health\\_Letter/2010/July/pessimism-about-pedophilia](http://www.health.harvard.edu/newsletters/Harvard_Mental_Health_Letter/2010/July/pessimism-about-pedophilia).

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Another instance of the increased normalization of pedophilia is Federal hate laws protecting all "sexual orientations". A proposed amendment to this law would have specified that pedophilia is not protected as a sexual orientation. However, this amendment failed.<sup>53</sup>

Additionally, Pono Choices resources such as *Advocates for Youth* and *Planned Parenthood* actively advocate for the sexual freedom and rights of youth and some other groups advocate for lowering the age of consent arguing that children can consent to sexual relations.

Increased push for recognition of pedophilia as a sexual orientation coupled with Pono Choices sex education "empowering" youth in their sexual rights combine for a disturbing public policy trend. When questioned, UH-CDS said that it did not "have enough time" in the curriculum to put a predator protection module in Pono Choices. However, this issue must be addressed in a curriculum like Pono Choices.

#### **C. TRANSPARENCY AND INFORMED CONSENT**

In a Teen Pregnancy Prevention (TPP) conference in Washington, D.C., Pono Choices writers described a "lesson learned" in the development and implementation of Pono Choices that "transparency is key to building trust."<sup>54</sup> However, it is clear that UH-CDS and the Hawai'i State DOE have not yet learned this lesson.

Parents were and continue to be misled and kept in the dark regarding Pono Choices curriculum content and their rights as parents under Federal regulations, Federal law Hawai'i State DOE regulations. For this reason there is a real trust issue between the community and UH-CDS and the State DOE and BOE.

#### *University of Hawaii – Institutional Review Board approval of Pono Choices research*

Meaningful informed consent is the cornerstone for the ethical conduct of research on human subjects.<sup>55</sup> To provide adequate informed consent, a potential research subject (or in this case, a parent/guardian) must both understand what participation in the study actually entails and provide affirmative consent.<sup>56</sup> Federal guidance on informed consent for these research projects state that:

Informed consent is a process, not just a form. Information must be presented to enable persons to voluntarily decide whether or not to participate as a research

<sup>53</sup> Jason Linkins, *Huffington Post*, *Democrats Accused Of Using Hate Crime Bill To Protect Pedophiles* (June 6, 2009), <http://www.huffingtonpost.com/jason-linkins/democrats-accused-of-using-hate-crime-bill-to-protect-pedophiles>.  
<sup>54</sup> Uehara Powerpoint.  
<sup>55</sup> Management Decision and Research Center, *Informed Consent for Human Subjects Research* (2002), [http://www.research.va.gov/responses/informedconsent/pptm\\_inform.htm](http://www.research.va.gov/responses/informedconsent/pptm_inform.htm).  
<sup>56</sup> University of California Irvine, *How to Consent*, <http://www.research.uci.edu/compliance/human-research-protocols/researchers/how-to-consent.html>.

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subject. It is a fundamental mechanism to ensure respect for persons through provision of thoughtful consent for a voluntary act.<sup>57</sup>

Conducting research on human subjects generally requires the approval of an institutional review board (IRB). Most education research is exempt from IRB because it is "research conducted in established or commonly accepted educational settings, involving normal educational practices."<sup>58</sup> However, Pono Choices did not qualify for an IRB exemption. Because the Pono Choices research project is "non-exempt", it needed to undergo either "expedited" or "full board approval."<sup>59</sup>

Federal regulations permit some non-exempt research to be reviewed under expedited review procedure, but only if the research poses no more than a "minimal risk" to research subjects. Research that does not qualify for exempt status or expedited review (like Pono Choices) must be reviewed and approved by a quorum of IRB members under a full IRB process to "protect the welfare of their research participants."<sup>60</sup> UH-CDS applied for and received UH-IRB approval to conduct research on human subjects under "full board approval" process.<sup>61</sup>

UH-IRB is responsible for ensuring that the participant's and their parents or guardians have informed consent. UH-IRB is also responsible for imposing additional requirements when necessary to "ensure that adequate information is presented in accordance with institutional policy and local law."<sup>62</sup>

Due to insufficient and otherwise inadequate information provided to parents to understand what their child's participation in the Pono Choices study actually entails, a complaint was recently filed with the U.S. Office for Human Research Protections (OHRP). OHRP maintains regulatory oversight and investigates issues of non-compliance regarding institutional review boards.

#### *Information provided to parents regarding the curriculum content is woefully inadequate and an egregious misrepresentation of the curriculum's contents*

The Supreme Court of the United States has long recognized the fundamental right of a parent to direct the upbringing of their children.<sup>63</sup> The Hawai'i state DOE usurped this Constitutional right when it unilaterally introduced topics of human sexuality without parental notice or permission.<sup>64</sup>

<sup>57</sup> U.S. Department of Health and Human Services, *Office for Human Research Protections (OHRP)* (March 16, 1993), available at <http://www.hhs.gov/ohrp/policy/etp.htm>.  
<sup>58</sup> University of Hawaii, *Review Categories*, <http://www.hawaii.edu/ohrp/ohrp.html#reviewcategories>.  
<sup>59</sup> *Id.*  
<sup>60</sup> University of Hawaii, *UH Human Subjects Protection Training* (August 2013), <http://www.hawaii.edu/ohrp/ohrp.html#uh-human-subjects-protection-training>.  
<sup>61</sup> Pono Choices Grant Application at 36.  
<sup>62</sup> University of Hawaii, *UH Human Subjects Protection Training* (August 2013), <http://www.hawaii.edu/ohrp/ohrp.html#uh-human-subjects-protection-training>.  
<sup>63</sup> See *Wisconsin v. Yoder*, 406 U.S. 205 (1972).  
<sup>64</sup> Emily J. Brown, *When Insiders Become Outsiders: Parental Objections to Public School Sex Education Programs*, 39 *Davis L. J.* 59 (2009).

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In its June 2014 report, the Hawaii State DOE stated that it "has found that much of the concern around the implementation of Pono Choices curriculum is grounded in the need for increased parent understanding about what their students are being taught and increased awareness over their strong role in deciding." This "need for increased parent understanding" is actually the responsibility of UH-CDS and the DOE and the schools, which must ensure that schools are providing adequate informed consent to parents for participation in this research project.

UH-CDS and DOE demonstrated their versions of informed consent by providing (1) a letter to parents and (2) an invitation to a "Parent Night." "While families and community members of students in the other schools may not have known the curriculum, every family of every student in a health class implementing Pono Choices received a notification letter and an option to opt-out."<sup>105</sup> This notification letter is intended to notify parents and receive informed consent for the child to participate in controversial activities and discussions within the curriculum.

However, the letter home and parent's night are entirely inadequate.<sup>106</sup> DOE Regulation #2210 requires instructional staff or administration to notify parents or legal guardians of controversial issues that will be discussed in the classroom or through other school activities.<sup>107</sup>

Instead of addressing actually controversial issues like "mouth on anus" sexual activities and sex or same-sex sexual relationships, the letter's "description of the types of activities that will take place" include innocuous and generally acceptable activities like discussing student's "goals for the future and to think about how an unintended pregnancy might get in the way of attaining those goals."

Additionally, the letter misleads parents in stating that the curriculum stresses that abstinence is the "only 100% effective method to avoid pregnancy and STIs". Instead, according to the Pono Choices grant application there is an emphasis on "safe sex" for the preteens.<sup>107</sup>

The Parents Night is a scripted event that does not shed any more light on the curriculum and only serves to reiterate the goals and Federal and state requirements of the program (i.e. "abstinence-based," "medically accurate" etc.)<sup>108</sup> The instructor tells parents that she wants to clear up any "urban myths" they might have heard about Pono Choices but doesn't specify what those might be.<sup>109</sup>

Either this continued lack of transparency and misrepresentation of information to parents that causes harm to students is intentional or it is negligent. Regardless, it is inexcusable and

<sup>105</sup> Implementation Report at 3.

<sup>106</sup> Implementation Report at 23.

<sup>107</sup> Pono Choices Grant Application at 84.

<sup>108</sup> See Center on Disability Studies, Pono Choices Parent Night (April 19, 2014).

<sup>109</sup> <http://www.edc.hawaii.edu/PonoChoices/PonoChoicesParentNight.pdf>.

<sup>109</sup> *Id.*

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parents will continue to watch how the DOE handles this and their duty to ensure student safety and welfare.

#### *Pono Choices is "owned by" UH-CDS: A Copyrighted Cop-out*

There are several consequences to the fact that UH-CDS has copyright on Pono Choices curriculum materials:

1. Hawaii's State DOE cannot independently provide copies of Pono Choices to parents

The DOE is "not authorized to disseminate copies" without UH-CDS permission because it owns the copyright on Pono Choices.<sup>110</sup>

2. Hawaii's State DOE cannot make changes to the curriculum despite glaring medical inaccuracies and age-appropriateness issues

"While the Pono Choices curriculum is developed and owned by the UH-CDS, the Department does not have the authority to amend the curriculum itself..."<sup>111</sup>

3. UH-CDS has complete control over the dissemination of Pono Choices

UH-CDS controls who can get a copy of Pono Choices. Because Pono Choices is a copyrighted product, OAH expects that Pono Choices will be packaged, implementation-ready and available for replication by 2015.<sup>112</sup> The University of Hawaii is "strongly encouraged to develop a plan and strategies for how their program will be marketed and disseminated to others interested in replication after the end of the five-year cooperative agreement."<sup>113</sup> "There are no restrictions in place for when grantees can begin selling their program packages, either before or after the grant period."<sup>114</sup>

4. UH-CDS has complete control over the characterization of the Pono Choices curriculum

Because UH-CDS owns the information, it also has complete control over how to characterize the program. UH-CDS represents the program to the public and parents of the research subjects (i.e. students) as "medically accurate", "age appropriate", "abstinence-based" "culturally responsive".<sup>115</sup> UH-CDS has nearly \$5,000,000 in taxpayer money and nearly 5 years to develop and communicate its characterization of the program.<sup>116</sup> Unfortunately, UH-CDS also

<sup>110</sup> Implementation Report at 13.

<sup>111</sup> Implementation Report at 17.

<sup>112</sup> Evelyn Kappeler, Office of Adolescent Health, *OAH Grants Guidelines, OAH 2013-1* (September 9, 2013), available at <http://www.ila.gov/adolescenthealth/office-of-adolescent-health-grants-guidelines>; <http://www.adolescenthealth.org/adolescent-health-grants-guidelines>.

<sup>113</sup> Kappeler Guidelines 2014-1.

<sup>114</sup> *Id.*

<sup>115</sup> Pono Choices FAQ.

<sup>116</sup> Implementing Report at 12.

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collaborated in "full partnership" with the Hawaii's state DOE in the development of Pono Choices and continues to communicate its same characterization of Pono Choices curriculum to the public.

5. Parents do not know where to obtain an authorized copy of the Pono Choices curriculum.

When one of our contributors asked for a copy of the Pono Choices curriculum, the Hawaii's state DOE said that a copy could be obtained for \$80.75. In its recent report, the DOE states that "requests for copies of the curriculum should be directed to Elmer Ka'ai." A parent recently requested and purchased a copy from Mr. Ka'ai at the University of Hawaii's for \$7.50.<sup>117</sup>

If a parent does purchase a copy, they are reminded that "all materials... are intended for the use of trained educators and facilitators and may not be cited, quoted, duplicated, circulated, or used without written permission of the University of Hawaii."<sup>118</sup>

6. Because UH-CDS and Hawaii's state DOE are not allowing for transparency and misrepresenting the curriculum, parents do not have a reliable source for understanding what is being taught in sex education classes.

The DOE's report stated that parent's questions regarding Pono Choices should be directed to UH-CDS. However, some parents have reached out to UH-CDS only to have their questions ignored.

The office of Representative Bob McDermott recently purchased copies of all the Hawaii's state DOE sex education curricula for a total of \$1,270. Each program is being reviewed and rated and these findings will become available to parents in the coming weeks.

#### *Protection of Pupil Rights Amendment (PPRA) Violations*

The Protection of Pupil Rights Amendment (PPRA) is a statute that provides parents with important rights regarding controversial surveys administered to children in schools. These surveys may be overly intrusive and personal or may collect information for purposes other than those represented.

The law, as amended in January 2002 in the No Child Left Behind Act has significantly strengthened the rights of parents.<sup>119</sup> Pono Choices writers administer surveys that ask students about their sexual behavior, sexual knowledge and sexual skills. These surveys require a student's sexual behavior are subject to the PPRA.

<sup>117</sup> Honolulu Star-Advertiser, *Restricted-access Pono Choices material reveals a curriculum that parents might find disturbing* (April 6, 2014), <http://www.staradvertiser.com/2014/04/06/Star-Advertiser/Pono-Choices-Curriculum/>.

<sup>118</sup> Elmer K. Ka'ai, *Letter to Bob McDermott* (January 3, 2014), available at <http://www.staradvertiser.com/2014/01/03/Star-Advertiser/Elmer-Kaai-Letter-to-Bob-McDermott/>.

<sup>119</sup> Department of Education, United States of America, *Recent Changes Affecting FERPA & PPRA* (October 28, 2002), available at <http://www.ed.gov/olivetree/gov/guestbook/pd/11/12/2002-11/>.

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The following requirements apply to all public elementary and middle schools like those where Pono Choices was implemented. In accordance with the Protection of Pupil Rights Amendment Act (PPRA), each of the schools implementing the Pono Choices curriculum were required to "develop and adopt policies – in conjunction with parents," regarding the following:

- The right of parents to inspect, upon request, a survey created by a third party before the survey is administered or distributed by a school to students
- The right of parents to inspect, upon request, any instructional material used as part of the educational curriculum for students
- The right of parents to inspect, upon request, any instrument used in the collection of information from the student<sup>120</sup>

In violation of PPRA, parents were not notified of their right to review the sex survey administered to their child, nor of their right to review any Pono Choices instructional material. Because of this, a complaint has been filed with the Family Policy Compliance Office (FPCO) under the U.S. Department of Education. FPCO, under the U.S. Department of Education, is responsible for implementing PPRA and investigating issues of non-compliance.

#### *D. THE PUBLIC RESPONDS TO PONO CHOICES*

The public response to Pono Choices was swift and clear. The Pono Choices curriculum content coupled with a complete lack of transparency and misrepresentations from the UH-CDS and Hawaii State DOE, generated outrage from parents and the public. The Honolulu Star-Advertiser conducted a poll where 86% of responders thought that Pono Choices should be eliminated (62%) or revised (22%).<sup>121</sup>

Many communities, including the middle school on the island of Molokai, found that the Pono Choices curriculum is not in harmony with the community<sup>122</sup> and Molokai's Middle School has determined that for this reason, "Pono Choices will not return to the school."<sup>123</sup>

The public response could not be ignored. In November 2013, due to "concerns brought to the DOE's attention," the Hawaii State DOE decided to review the Pono Choices curriculum. The DOE assigned some of the same people who collaborated in "full participation" with UH-CDS in creating Pono Choices, to re-review the curriculum which resulted in the "fastest investigation" in Hawaii State history. At the end of the "investigation" Leila Hayashida, assistant superintendent for the Office of Curriculum, Instruction and Student Support (OCISS) stated:

<sup>119</sup> *Id.*

<sup>121</sup> Honolulu Star-Advertiser, *What do you think should happen to Pono Choices, the public school sex-education program?* (June 10, 2014), <http://poll.staradvertiser.com/what-do-you-think-should-happen-to-pono-choices-the-public-school-sex-education-program/>.

<sup>122</sup> P.E.A.C.E. Hawaii, *Principal of Molokai Middle School, Affirms P.E.A.C.E. Hawaii* (February 25, 2014), <http://peacehawaii.org/11/2/14/65>.

<sup>123</sup> *Id.*

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Our review not only affirmed that the curriculum meets departmental standards, but it also showed that Pono Choices is a culturally responsive curriculum that has resulted in positive outcomes for students.

The public, however, was not satisfied, or convinced. Hawai'i State Representative Bob McDermott and other concerned citizens requested a copy of Pono Choices from UH-CDS and the Hawai'i State DOE. Shockingly, they were denied such requests, on the grounds that the "curriculum is sensitive in nature and can be misinterpreted."<sup>124</sup> DOE spokeswoman Donalyn Dela Cruz explained that an in-person orientation session for anyone wanting to review the Pono Choices curriculum was necessary because Pono Choices "needs to be explained."<sup>125</sup>

After repeated requests, UH-CDS finally gave a copy to Representative McDermott. He and his office carefully studied the curriculum and in January 2014, published a report entitled "The McDermott Report – Sexualizing the Innocent" detailing its findings. The report noted glaring medical inaccuracies, misrepresentations and unnecessarily graphic and inappropriate sexual exposure for 11-13 year olds.<sup>126</sup> Over 20,000 people accessed this report to inform themselves on a curriculum that UH-CDS was unwilling and the Hawai'i State DOE and unable to provide.

Communities all around the Hawaiian islands where Pono Choices was implemented were outraged and perplexed at how a program so out of touch with the community could continue to be taught in our public schools. In February 2014, the Hawai'i State Board of Education received more than 100 written comments from residents all around the state "expressing concern over the UH pilot program".<sup>127</sup>

Finally, the DOE set up a "working group" composed of "stakeholders" to conduct a review of Pono Choices "to determine if it meets statutory requirements and relevant Board policies and to make recommendations to the Department."<sup>128</sup> Although the DOE selected each member of the board, and no criteria was released regarding the bases of each member's selection, the DOE insists that "panelists' familiarity with or stance on the curriculum or controversial issues was not a factor in their selection."<sup>129</sup>

Despite being unable to share copies of the curriculum, the DOE announced that the working group "welcomes public input" on the curriculum's content. Approximately 800

<sup>124</sup> Rita Diller, *LifeNews.com, Planned Parenthood Denies Lawmakers' Request to See Its Graphic Sex Ed Curriculum* (January 15, 2014), <http://www.lifenews.com/2014/01/15/planned-parenthood-denies-lawmakers-request-to-see-its-graphic-sex-ed-curriculum/>.

<sup>125</sup> Alia Wong, *Civil Beat, Lawmakers: DOE Refusing to Hand Over 'Pono Choices' Sex-Ed Materials* (December 19, 2013), <http://www.civilbeat.com/2013/12/19/doh-combats-doe-curriculum-discovery-lawmakers-refuse-to-see-sex-ed-materials/>.

<sup>126</sup> McDermott, *supra* at 2.

<sup>127</sup> Department of Education, State of Hawaii, *DOE convenes working group to review Pono Choices* (February 21, 2014), <http://www.hawaiipublicschools.org/Central/With/EdMedia/News/PressReleases/Press%20Releases.aspx?writing=update-review-Pono-Choices.aspx>.

<sup>128</sup> Civil Beat, *DOE Convenes Working Group to Review Controversial 'Pono Choices' Sex-Ed Program*, (February 22, 2014), <http://www.civilbeat.com/2014/02/22/doe-convenes-working-group-to-review-controversial/>.

<sup>129</sup> Implementing Report at 17.

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comments were received.<sup>130</sup> Over the course of 3 months, the working group convened, discussed and finally created a report detailing their recommendations. The Hawai'i State DOE also released a 31-page report detailing its findings and "actions for improvement." The report effectively banned Pono Choices in Hawai'i public schools until UH-CDS submitted a revised version and the Hawai'i State DOE approved it.

#### IV. CONCLUSION

There is a deep philosophical divide between parents and those who are trying to push this curriculum into classrooms without parental knowledge or consent. Pono Choices writers to continue to assert the need for children to have access to this information for their health. When parents ask for more information from UH-CDS or the Hawai'i state DOE, they are given a well-crafted message that reiterates the Federal grant requirements and state law definitions of requirements for sex education. The lack of transparency has generated an enormous breach of trust and confidence between the public and the Hawai'i State DOE.

The local community has generated a "lesson learned" from the process of creating and implementing the Pono Choices curriculum. The Hawai'i State DOE cannot continue to test its medically inaccurate, inappropriate sex education curriculum on our youth.

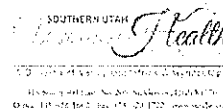
<sup>130</sup> Implementing Report at 25.

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#### APPENDIX ITEMS

Letter from Doctor Craig Astle	Appendix A	
Email from OAH/HHS regarding TPP medical accuracy evaluation process	Appendix B	
Medical Accuracy Review Form	Appendix C	

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Craig D. Astle, M.D.  
Jeffrey E. Rosen, M.D.  
Dana W. Whitman, M.D.  
Brynn N. Beahan, M.D.  
Emily E. Jones, M.D.  
Pamela S. Swanson, Ph.D.  
Julianne Holmes, Ph.D.

Hawai'i State Department of Education  
1390 Miller St.  
Honolulu, HI 96813

Feb 18, 2014

#### To Whom It May Concern:

As a board certified OB/GYN physician practicing in the state of Utah I have reviewed the proposed "Pono Choices" curriculum for your schools, and herein offer my comment on its medical accuracy and age appropriateness. I find several medical fact inaccuracies which promote dangerous practices and false conclusions on the part of the student. I also find that the content of this curriculum is very inappropriate for youth ages 11 through 13. It introduces and promotes ideas and actions as "normal," which, from a medical perspective, are deviant and dangerous. Below are listed a few of the incorrect medical facts and reasons for my grave concern about this curriculum.

1. The anus is listed as a genital organ. Genital organs are part of the reproductive system. The anus, however, is clearly part of the gastrointestinal tract and its function is fecal elimination, having nothing to do with reproduction. This flagrant falsehood purporting that the anus is somehow a genital organ and therefore a "natural" part of sexual expression seems intentionally misleading. Our youth rely on their teachers for correct information.

2. Mentioned several times in the document was the idea that anal intercourse and oral sex are equivalent practices with vaginal intercourse. As a gynecologist I can assure you that such is not the case. The vagina is well suited to penile penetration and can withstand the friction involved due to a unique vaginal mucosa which lubricates and cleanses the vaginal vault. Special glands at the vaginal opening also aid in lubrication.

APPENDIX "A"

The anus has no such glands for lubrication and is designed for expulsion only. The repeated friction from anal penetration can damage the more delicate mucosa, causing micro tears and increasing the likelihood of STD transmission. Chronic abuse of the anus as a receptacle can lead to fecal incontinence. It is false and irresponsible to teach, even if only by passive suggestion, that anal and vaginal intercourse are somehow both natural and equivalent.

3. The developing female, even for several years after menarche (beginning of menstrual periods), is more susceptible to the STD of Human Papilloma Virus (HPV) due to the poorly protected cervical epithelium. The cervix matures with age and becomes more resistant to disease with maturity. Adolescent females are at risk for this STD, not to mention the physical, emotional and psychological trauma encountered by them at the time of sexual intercourse. We refer to this as child abuse and teaching that if the act is consensual it is OK does not lessen the harm. Sexual activity, especially intercourse before the age of 14, is illegal and should not be promoted. This is not age appropriate to even suggest that participation in intercourse is normal and acceptable at the ages of 11 to 13.
4. The curriculum teaches that condom use for anal intercourse, and vaginal intercourse for that matter, is protective against STDs such as Herpes Simplex Virus (HSV) and HPV. It is not. Nowhere do I find the risks of and the devastating consequences of STDs discussed.
5. From the role play situations I encountered, the implied message is that same gender relationships are so common as to be mainstream with heterosexual relationships. This is simply not true. Only 2 to 4 percent of the population is involved in such activity. Promoting this infrequent (and in the opinion of most parents, deviant) behavior as normal, natural and commonplace is untruthful and very misleading and certainly not age appropriate. Ideas thus taught cannot be untaught and 11 to 13 year old minds are susceptible to suggestion.
6. Sexual activity in any sexual species is related to and intended for reproduction. Nowhere in the curriculum do I find information about the human reproductive process, including embryo development and birth. Although this subject matter may be taught in biology,

From: OAH.Gov@hhs.gov  
To: [REDACTED]  
CC: OAH.Gov@hhs.gov  
Subject: RE: U Hawaii TPP grantee - Pono Choices  
Date: Thu, 7 Aug 2014 20:46:24 +0000

Dear Ms. Fleming:

This is in response to your questions from you regarding the HHS Office of Adolescent Health's (OAH) medical accuracy review process and the Pono Choices program being implemented by the University of Hawaii.

The U.S. Department of Health and Human Services does not approve curricula for use in public schools. That is the responsibility of state and local education officials. The Office of Adolescent Health funds the Teen Pregnancy Prevention Grant (TPP) program. The University of Hawaii applied for and received funding under the TPP research and demonstration program the purpose of which is to develop, replicate, refine, and test models and innovative strategies for preventing teen pregnancy.

As a condition of their funding awards, all OAH Teen Pregnancy Prevention grantees are required to submit program materials to OAH for medical accuracy review and respond to any medical inaccuracies which are noted in the review prior to implementation of their grant-funded program. The March 2014 supplement to the Journal of Adolescent Health, entitled Implementing Evidence-based Teen Pregnancy Prevention Programs: Legislation to Practice includes an article entitled, Office of Adolescent Health Medical Accuracy Review Process—Helping Ensure the Medical Accuracy of Teen Pregnancy Prevention Program Materials, which describes the medical accuracy review process (JAH, 54(2014) S21-S24).

The Department of Health and Human Services is in receipt of your Freedom of Information Act request (FOIA) for a copy of the Medical Accuracy report related to the grant to the University of Hawaii. That request is being processed. General information about the grant project can be found on the OAH website at <http://www.hhs.gov/ash/oah/tpa/grantees/tier2-hi-university.html>. Specific questions about the grant should be directed to the grantee, University of Hawaii.

Office of Adolescent Health  
U.S. Department of Health and Human Services

#### APPENDIX "B"

there seems to be a total disconnect with one of the principle reasons for sexual relations between a man and a woman. Certainly if we are trying to decrease unwanted teenage pregnancies, the subject should be appropriately discussed in this context.

An abstinence-promoting curriculum which teaches the health value of waiting to engage in a physical relationship until adulthood does much to improve individual lives as well as the stability and health of a society. The positive aspects of abstinence need to be promoted to these young minds as a reachable and laudable goal.

I strongly recommend that this reviewed "Pono Choices" curriculum be modified and corrected to remove false information both explicit and implied. Teaching this morally charged and sensitive subject to 11 to 13 year old youth should be done in a loving home environment and should be under the direction of parents. If it is taught in the public school then parental input is essential and an opt-in rather than an opt-out format would better protect parental rights and religious freedoms.

Well-intended actions to promote fewer teenage pregnancies and STDs if taught in this format may have unintended consequences. The implied normality of deviant and dangerous behaviors such as anal and oral sex would promote STDs rather than decrease them and would further weaken the traditional family. This curriculum steps over a critical social and religious line by its implied promotion of behaviors unacceptable to the vast majority. Religious freedom does not imply active or passive persecution of those whose views and practices differ. However, it also demands that the rights of the majority be safeguarded so as to protect children from unwanted exposures.

Thank you for allowing me the opportunity to review the proposed curriculum. By my signature below, I give express permission for this letter to be used in public forums.

Respectfully,

*Craig Astle M.D.*  
Craig Astle M.D.

#### Medical Accuracy Review Form for Curricula and Educational Materials Proposed for Use by Teen Pregnancy Prevention (TPP) Grantees and Personal Responsibility Education Program (PREP) Innovative Strategies Grantees

Curriculum/Material Name: Pono Choices Curriculum  
Components: 1 Manual

For Use in: ☐ TIER 1 ☒ TIER 2 ☐ PREP

Target Audience (if specified): Adolescents aged 11-13

No. of pages: 156

Does it contain medical information? Yes

#### REVIEWER RECOMMENDATION

After you have completed your review of the material, please check your recommendation for this curriculum/material:

- ☐ Meets the definition of medical accuracy  
☒ Meets the definition of medical accuracy with modifications (Recommended modifications described in the Medical Accuracy Issues section)  
☐ Does not meet the definition of medical accuracy

#### DEFINITION OF MEDICAL ACCURACY

Medically accurate and complete programs are verified or supported by the weight of research conducted in compliance with accepted scientific methods and published in peer-reviewed journals, where applicable; or comprising information that leading professional organizations and agencies with relevant expertise in the field recognized as accurate, objective, and complete.

#### BRIEF DESCRIPTION AND PURPOSE OF THE MATERIAL:

The overarching goal of the Pono Choices Curriculum is to reduce the number of teen pregnancies and incidence of STDs; increase positive bonding in the school and community; increase sense of self-identity and self-efficacy; and improve expectations for the future.

#### MEDICAL TOPICS ADDRESSED

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Contraceptives   | <input type="checkbox"/> HIV/STD Testing                 |
| <input checked="" type="checkbox"/> Brand Names  | <input type="checkbox"/> HIV/STD Treatment               |
| <input checked="" type="checkbox"/> Sexually Transmitted Infections (STIs)/ Sexually Transmitted Diseases (STDs) | <input checked="" type="checkbox"/> Reproductive Anatomy |
| <input checked="" type="checkbox"/> HIV/AIDS   | <input checked="" type="checkbox"/> Pregnancy            |
|  | <input checked="" type="checkbox"/> Other: Puberty       |

#### APPENDIX "C"

ROUGH DRAFT

## REVIEW FOR MEDICAL ACCURACY

All materials used in TPP and PREP Innovative Strategies programs must be medically accurate. Materials covering medical topics (e.g., STIs/STDs, including human immunodeficiency virus (HIV)/acquired immunodeficiency syndrome (AIDS), contraception) may not contain any inaccurate, outdated, poorly referenced, or confusing/misleading medical information.

If the material being reviewed does not meet the definition of medical accuracy, please cite in the Medical Accuracy Issues section, the curriculum element, page number(s), and location on page; or minute and key words if a video, of where the discrepancy occurs. Please note the medical topic being addressed, and how each statement does not meet this definition (inaccurate, outdated, poorly referenced, or confusing/misleading). Please also indicate whether the statement should be deleted or modified. If modification is required, please provide recommendations for making the material medically accurate.

## MEDICAL ACCURACY ISSUES

## Manual

## Issue 1

- o Module Number: 2
- o Page Number: Last Page
- o Paragraph or Exhibit: #16 Across (Crossword Puzzle Clue)
- o Medical Topic(s): Reproductive Anatomy
- o Medical Accuracy Issue: Inconsistent information provided – "... Can contain 200 million to 500 million sperm." The rest of the manual lists "100 million to 500 million sperm."
- o Recommendation: The definition of normal sperm count varies, so the recommendation is to be consistent with the range, throughout the curriculum. Replace all mentions of sperm count range with information from the National Institute of Health's Medline Plus, "The sperm count varies from 20 to 150 million sperm per milliliter." Another option would be to use information from the second reference below which states on page 183, "that sperm counts average 400 million per ejaculation."
- o References: 1) <http://www.nlm.nih.gov/medlineplus/ency/article/003627.htm>, or 2) Pillitteri, A. (2007) *Maternal & child health nursing: Care of the childbearing & childbearing family* (3<sup>rd</sup> Ed.), (pp. 72-23). Philadelphia: Lippincott Williams & Wilkins.

## Issue 2

- o Module Number: 4
- o Page Number: 13 (STI/Forpny)
- o Paragraph or Exhibit: Last box
- o Medical Topic(s): HIV
- o Medical Accuracy Issue: Incomplete information provided – "The answer to the question." This can help reduce the spread of HIV if used every time

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correctly during sexual intercourse," is listed as, "condom." Missing information about type of condom, "latex" or "polyurethane" as being the best method to prevent HIV transmission.

- o Recommendation: Provide complete information – "latex (or polyurethane if allergic to latex) condoms."
- o References: <http://www.cdc.gov/condomeffectiveness/latex.htm>, and <http://www.cdc.gov/std/treatment/2010/04/040404.htm>

## Issue 3

- o Module Number: 4
- o Page Number: 20 (Lesson 4)
- o Paragraph or Exhibit: 3<sup>rd</sup> bullet
- o Medical Topic(s): Herpes Simplex Virus
- o Medical Accuracy Issue: Inaccurate information provided – "Herpes can be transmitted through blood, semen, vaginal fluids and sexual contact (skin-to-skin)..." Evidence could not be found to support any transmission of Herpes other than skin-to-skin or sexual (oral, vaginal, or anal sex) transmission. After transmission, the Herpes virus can get into the blood stream through small abrasions in the skin or vaginal wall.
- o Recommendation: Modify text to reflect medically correct transmission of Herpes to read skin-to-skin, sexual contact (oral-genital, genital-genital, and genital-anal).
- o References: <http://www.cdc.gov/std/Herpes/STDFact-Herpes.htm>; and <http://www.ncbi.nlm.nih.gov/pubmed/21486977> "MedlinePlus"; and <http://www.cdc.gov/hiv/prevention/2010/genital-herpes.html>; and <http://www.nlm.nih.gov/topics/sexual-herpes/understanding-herpes-transmission.html>

## Issue 4

- o Module Number: 4
- o Page Number: 24 (Lesson 4)
- o Paragraph or Exhibit: 3<sup>rd</sup> bullet
- o Medical Topic(s): HPV transmission
- o Medical Accuracy Issue: Inaccurate information provided – "HPV can be transmitted through blood, semen, vaginal fluids, breast milk and sexual contact (skin-to-skin) genital to genital or genital to mouth." Evidence could not be found to support that this virus is transmitted through any other route than skin-to-skin contact and only rarely is it transmitted from mother to baby during delivery, but not through breast milk.
- o Recommendation: Modify the content to reflect the correct modes of transmission – "HPV can be transmitted through skin-to-skin contact and rarely transmitted to baby from mother during delivery causing recurrent respiratory papillomatosis (RRP)."
- o References: <http://www.cdc.gov/std/HPV/STDFact-HPV.htm>; and <http://www.nlm.nih.gov/topics/genital-warts/understanding-transmission.html>

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## Issue 5

- o Module Number: 4
- o Page Number: 28 (Lesson 4)
- o Paragraph or Exhibit: 1<sup>st</sup> bullet
- o Medical Topic(s): Hepatitis B transmission
- o Medical Accuracy Issue: Inaccurate information provided – "Hepatitis B is most often transmitted through blood, semen, vaginal fluids, urine, saliva and sexual contact." Evidence could not be found to support urine or saliva transmission of Hepatitis B.
- o Recommendation: Modify text to reflect correct information – "Hepatitis B is transmitted through blood, semen, vaginal fluids and other body fluids that contain blood and sexual contact with an infected partner."
- o References: <http://www.cdc.gov/std/treatment/2010/04/040404.htm>; and <http://www.nlm.nih.gov/topics/hepatitisb/hepatitisb-factsheet-transmission.aspx>

## Issue 6

- o Module Number: 4
- o Page Number: 29 (Lesson 4)
- o Paragraph or Exhibit: 1<sup>st</sup> bullet
- o Medical Topic(s): Hepatitis B
- o Medical Accuracy Issue: Inaccurate information provided – "Hepatitis B ... can be spread through ... saliva." Evidence could not be found to support this route. Hepatitis B is transmitted through blood, semen, vaginal and other body fluids that contain blood and sexual contact with an infected partner. It cannot be transmitted by sharing cups or utensils.
- o Recommendation: Delete that bullet on the page as the text already addressed the transmission of Hepatitis B on the previous page.
- o References: <http://www.cdc.gov/std/treatment/2010/04/040404.htm>; and <http://www.nlm.nih.gov/topics/hepatitisb/hepatitisb-factsheet-transmission.aspx>

## Issue 7

- o Module Number: 6
- o Page Number: 4
- o Paragraph or Exhibit: #20
- o Medical Topic(s): Teen pregnancy rate
- o Medical Accuracy Issue: Outdated statistic provided – "The question states, 'Every year nearly 1 million teenage girls become pregnant.' The most recent statistic available (2009) shows approximately 750,000 girls ages 15-19 year become pregnant."
- o Recommendation: The answer of either "Yes" or "No" is not provided for this question. Either make the answer "No" or modify this question to read, "Every year nearly 750,000 teenage girls become pregnant" and make the answer "Yes."
- o Reference: <http://www.cdc.gov/winnable/basics/Teenpregnancy/index.html>

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## GENERAL COMMENTS

## Issue 1

- o Module Number: Overview
- o Page Number: 1<sup>st</sup> page
- o Paragraph or Exhibit: Last paragraph, 3<sup>rd</sup> sentence
- o Issue: Type – "It can be implemented in ten classroom sessions of 60 minutes each or in four two-module sessions." Four two-module sessions would only complete 8 of the modules, not the complete 10.
- o Recommendation: Change "Ten" to "Five" to make it so that the entire curriculum would be covered.

## Issue 2

- o Module Number: 2
- o Page Number: 4<sup>th</sup> page of Powerpoint presentation.
- o Paragraph or Exhibit: 1<sup>st</sup> slide, 2<sup>nd</sup> bullet
- o Issue: The slide defines "Semen" as "sperm + fluids," but does not explain what the fluids are.
- o Recommendation: The presenter should be prepared to answer a student if asked what the "fluids" are – "Fluids made by the male reproductive glands," and/or "the fluids contain sugar, testosterone, lubricant and something to help the sperm swim."
- o Reference: Pillitteri, A. (2007) *Maternal & child health nursing: Care of the childbearing & childbearing family* (3<sup>rd</sup> Ed.), (pp. 72-23). Philadelphia: Lippincott Williams & Wilkins.

## Issue 3

- o Module Number: 2
- o Page Number: 2<sup>nd</sup> to last page
- o Paragraph or Exhibit: #6 Down
- o Issue: Incomplete clue provided for crossword puzzle – "A person who is romantically or"
- o Recommendation: Provide the rest of the clue.

## Issue 4

- o Module Number: 3
- o Page Number: 3
- o Paragraph or Exhibit: Activity 3, #2
- o Issue: The curriculum changes the character's name from "James" to "John" and back again, sometimes within the same sentence – "Bill and James are just starting a relationship ... Bill goes to Kira John. James moves away a bit – their first kiss was in private, and John isn't sure he..."
- o Recommendation: Choose the character's name and make it consistent throughout the activity.

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- Issue 5
- Module Number: 4
  - Page Number: 6<sup>th</sup> page (2<sup>nd</sup> page of STI "cards")
  - Paragraph or Exhibit: 3<sup>rd</sup> card
  - Issue: Type – "HIV: Human Papillomavirus" The card misspells "Papilloma" in Human Papillomavirus.
  - Recommendation: Correct cards to accurately spell the STI as "Human Papillomavirus."
  - Reference: <http://www.nlm.nih.gov/medlineplus/hpv.html>
- Issue 6
- Module Number: 6
  - Page Number: Last 2 pages
  - Paragraph or Exhibit: Choices worksheet and answer sheet
  - Issue: Incomplete information provided - 20 true/false statements on worksheet, but only 15 answers are provided on the answer sheet. The answers do not match the questions.
  - Recommendation: Complete the answer sheet for the remaining 5 statements and ensure the answers match up with the questions.
- Issue 7
- Module Number: 6
  - Page Number: Last page
  - Paragraph or Exhibit: #7
  - Issue: The statement reads "A woman get pregnant during her period" and the answer is "No." A woman can get pregnant during her period, which is explained in the italicized rationale – "A woman is most likely to get pregnant after and between periods, but it is very difficult to predict when she can and cannot get pregnant. Always be on the safe side..."
  - Recommendation: Either change the sentence to read "A woman cannot get pregnant during her period" or change the answer to "Yes" and add "can" to sentence.
- Issue 8
- Module Number: 7
  - Page Number: 3 (PowerPoint presentation)
  - Paragraph or Exhibit: 4<sup>th</sup> slide, 2<sup>nd</sup> bullet, 4<sup>th</sup> sentence
  - Issue: Incomplete sentence, "They may choose to be abstinent in middle or high school because, or they may choose to be abstinent in their 20s because they are focused on a career goal..."
  - Recommendation: Complete the sentence after the word "because" by giving reasoning for why "they may choose to be abstinent in middle or high school."
- Issue 9
- Module Number: 7
  - Page Number: 4 (PowerPoint presentation)
  - Paragraph or Exhibit: 4<sup>th</sup> slide, 2<sup>nd</sup> sentence (about half-way through)
  - Issue: Type – "They are low cost and do have any ingredients that could lead to major health concerns."
  - Recommendation: Add the word "not" to the sentence to correct it – "They are low cost and do not have any ingredients..."
- Issue 10
- Module Number: 7
  - Page Number: 9 (PowerPoint presentation)
  - Paragraph or Exhibit: 2<sup>nd</sup> slide, 1<sup>st</sup> bullet, 5<sup>th</sup> sentence (about half-way through)
  - Issue: Type – "If she can feel the ring, then it was inserted correctly."
  - Recommendation: Change the word "correctly" to "incorrectly" to make sentence correct.
- Issue 11
- Module Number: 10
  - Page Number: 2<sup>nd</sup> page
  - Paragraph or Exhibit: #10 & #11
  - Issue: They are duplicates of each other – "(10) Only people who are sexually active carry condoms... (11) Only people who are sexually active carry condoms..."
  - Recommendation: Delete #11 and renumber numbers 12 – 15 as 11 – 14.
- Also, please note the following issues:
- The video, "You Can't Get HIV Ladda," was reviewed separately and the findings will be reported in a second report.
  - The program states that two cultural videos are in development, the second of which will address the consequences of unprotected sex; these should be reviewed for medical accuracy. The scene script could not be found as described in the cover letter from the program leaders.
  - There are numerous word processing errors, which sometimes lead to inaccuracies due to missing or incorrect words. It is recommended that someone edit the entire curriculum to correct the other word processing and grammatical errors that may have been missed in this report.

**Medical Accuracy Review Form for Curricula and Educational Materials**  
Proposed for Use by Teen Pregnancy Prevention (TPP) Grantees and  
Personal Responsibility Education Program (PREP) Innovative Strategies Grantees

**Consolidated Review Report**

Curriculum/Material Name: Pono Choices Video (Ty and Kiana's Notion)  
Components: 1 Video Clip (Online)

For Use In: ☐ TIER 1 ☒ TIER 2 ☐ PREP

Publisher: Pono Choices

Copyright Date: Not specified

Target Audience (if specified): Adolescents

No. of pages/minutes (total and per component): 10 min; 07 sec.

Does it contain medical information: Yes

**REVIEWER RECOMMENDATION**

After you have completed your review of the material, please check your recommendation for this curriculum/material:

- ☒ Meets the definition of medical accuracy  
☐ Meets the definition of medical accuracy with modifications (Recommended modifications described in the Medical Accuracy Issues section)  
☐ Does not meet the definition of medical accuracy

**DEFINITION OF MEDICAL ACCURACY**

Medically accurate and complete programs are verified or supported by the weight of research conducted in compliance with accepted scientific methods and published in peer-reviewed journals, where applicable; or comprising information that leading professional organizations and agencies with relevant expertise in the field recognized as accurate, objective, and complete.

**BRIEF DESCRIPTION AND PURPOSE OF THE MATERIAL:**

A short film proposed for use by TPP Tier 2 Grantee, University of Hawaii.

**MEDICAL TOPICS ADDRESSED**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Contraceptives              | <input type="checkbox"/> HIV/STI/STD Testing   |
| <input type="checkbox"/> Brand Names                            | <input type="checkbox"/> HIV/STI/STD Treatment |
| <input type="checkbox"/> Sexually Transmitted Infections (STIs) | <input type="checkbox"/> Reproductive Anatomy  |
| <input type="checkbox"/> Sexually Transmitted Diseases (STDs)   | <input checked="" type="checkbox"/> Pregnancy  |
| <input type="checkbox"/> HIV/AIDS                               | <input type="checkbox"/> Other: _____          |

**REVIEW FOR MEDICAL ACCURACY**

All materials used in TPP and PREP Innovative Strategies programs must be medically accurate. Materials covering medical topics (e.g., STIs/STDs, including human immunodeficiency virus (HIV)/acquired immunodeficiency syndrome (AIDS), contraception) may not contain any inaccurate, outdated, poorly referenced, or confusing/misleading medical information.

If the material being reviewed does not meet the definition of medical accuracy, please cite in the Medical Accuracy Issues section, the curriculum element, page number(s), and location on page, or minute and key words if a video, of where the discrepancy occurs. Please note the medical topic being addressed, and how each statement does not meet this definition (inaccurate, outdated, poorly referenced, or confusing/misleading). Please also indicate whether the statement should be deleted or modified. If modification is required, please provide recommendations for making the material medically accurate.

**MEDICAL ACCURACY ISSUES**

Yes/No

- ☐ No issues found

**GENERAL COMMENTS**

The clip is limited in its discussion of birth control options, and only identifies birth control pills in this clip. With the active involvement of the male partner, a stronger message would have included a discussion of condom use as a method for both pregnancy prevention and HIV and STD prevention. It is recommended the program also discuss other contraception options including condom use.

Medical Accuracy Review Form for Curricula and Educational Materials  
Proposed for Use by Teen Pregnancy Prevention (TPP) Grantees and  
Personal Responsibility Education Program (PREP) Innovative Strategies Grantees

Curriculum/Material Name: You Can't Get HIV Lsdani Video

Component: Video

For Use In: ☒ TIER 1 ☐ TIER 2 ☐ PREP

Publisher: Hawaii Youth Services Network

Copyright Date: 2008

Target Audience (if specified): Teens

No. of pages/minutes (total and per component): 30 minutes

Does it contain medical information: Yes

REVIEWER RECOMMENDATION

After you have completed your review of the material, please check your recommendation for this curriculum/material:

- ☐ Meets the definition of medical accuracy
- ☒ Meets the definition of medical accuracy with modifications  
(Recommended modifications described in the Medical Accuracy Issues section)
- ☐ Does not meet the definition of medical accuracy

DEFINITION OF MEDICAL ACCURACY

Medically accurate and complete programs are verified or supported by the weight of research conducted in compliance with accepted scientific methods and published in peer-reviewed journals, where applicable; or comprising information that leading professional organizations and agencies with relevant expertise in the field recognized as accurate, objective, and complete.

BRIEF DESCRIPTION AND PURPOSE OF THE MATERIAL:

*Adaptation Supplemental Video for use by the Hawaii Youth Services Network. This 30-minute video provides information regarding HIV transmission and prevention.*

MEDICAL TOPICS ADDRESSED

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Contraceptives  | <input checked="" type="checkbox"/> HIV/STI/STD Testing   |
| <input type="checkbox"/> Brand Names  | <input checked="" type="checkbox"/> HIV/STI/STD Treatment |
| <input checked="" type="checkbox"/> Sexually Transmitted Infections (STIs)/Sexually Transmitted Diseases (STDs) | <input type="checkbox"/> Reproductive Anatomy             |
| <input checked="" type="checkbox"/> HIV/AIDS  | <input type="checkbox"/> Pregnancy                        |
|   | <input type="checkbox"/> Other: _____                     |

REVIEW FOR MEDICAL ACCURACY

All materials used in TPP and PREP Innovative Strategies programs must be medically accurate. Materials covering medical topics (e.g., STIs/STDs, including human immunodeficiency virus (HIV)/acquired immunodeficiency syndrome (AIDS), contraception) may not contain any inaccurate, outdated, poorly referenced, or confusing/misleading medical information.

If the material being reviewed does not meet the definition of medical accuracy, please cite in the Medical Accuracy Issues section, the curriculum element, page number(s), and location on page or minute and key words if a video, of where the discrepancy occurs. Please note the medical topic being addressed, and how each statement does not meet this definition (inaccurate, outdated, poorly referenced, or confusing/misleading). Please also indicate whether the statement should be deleted or modified. If modification is required, please provide recommendations for making the material medically accurate.

MEDICAL ACCURACY ISSUES

Video

Issue 1

- o Minute Number: 0:28 (Full Version)
- o Description of Scene: Kumu Master Spaz giving the introduction
- o Medical Topic(s): HIV in Hawaii statistics
- o Medical Accuracy Issue: Outdated Information
- o Recommendation: Update number of those diagnosed with AIDS from 3,044 to 4,015 and total number of deceased from AIDS from 4,752 to 1,846
- o Reference: <http://hawaii.gov/health/health-topics/hiv-aids/2009.pdf>

Issue 2

- o Minute Number: 1:55 (Full Version) and 0:59 of (Da Tattoo)
- o Description of Scene: Tattoo Shop
- o Medical Topic(s): HIV Infection Rates
- o Medical Accuracy Issue: Outdated Information
- o Recommendation: "95% of HIV cases are male" Replace with "86%"
- o Reference: <http://hawaii.gov/health/health-topics/hiv-aids/2009.pdf>

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Representative Jordan rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, please note my reservations on this measure. And may I just have a few comments, not very long. I'd like to thank the Health Chair for removing the opt-out portion of this measure. I do like to support the Department of Education that courageously went forward last August in our new school system to put an opt-in, which I wholeheartedly support, and I'd like to give the Department of Education their opportunity to make sure that their implementation with the Board of Education policies work before we start helping them with legislation. Thank you very much, Mr. Speaker."

Representative Oshiro rose in support of the measure with reservations and asked that the remarks of Representative Jordan be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Ward rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Har rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Fukumoto Chang rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Matsumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pouha rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Tupola rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 459, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Education, with Representatives Fukumoto Chang, Har, Jordan, Matsumoto, Oshiro, Pouha, Tupola and Ward voting aye with reservations, with Representative McDermott voting no, and with Representative Ito being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 542) recommending that H.B. No. 1147, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1147, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 543) recommending that H.B. No. 782, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 782, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CYTOMEGALOVIRUS," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 544) recommending that H.B. No. 1176, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1176,

ROUGH DRAFT

HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representative Ito being excused.

Representatives Belatti and McKelvey, for the Committee on Health and the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 545) recommending that H.B. No. 1072, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committees be adopted, and that H.B. No. 1072, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Yamane rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative McDermott rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Cullen rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Tsuji rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Jordan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Oshiro rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I'll be voting reservations, essentially because I do appreciate the concerns of those on the neighbor islands, especially in the rural communities, who provide adequate and quality services to their constituents. For those reasons I'll be voting with reservations. Thank you."

Representative Kawakami rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Tupola rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ward rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Har rose in support of the measure with reservations and asked that the remarks of Representative Oshiro be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Aquino rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative DeCoite rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Kobayashi rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Creagan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise with reservations and permission for brief comments. Thank you. The Chair of Higher Education has asked me to reserve my polemics for another day, so I'll be brief.

"Now, while this bill in part follows the recent Illinois bill, allowing some prescriptive privileges for psychologists, it should be noted that the

Illinois Legislature showed great reservations and made their bill have a sunset of 2017. I would prefer waiting to see the results of the Illinois experiment before we move forward. But, out of great respect for my Chair, I'm voting with great reservations and request that I will be able to enter written comments into the Journal. Thank you."

Representative Creagan's written remarks are as follows:

"This bill is a solution in search of a problem. The solution is very problematic, although desired by a minority of psychologists.

"In my view, this bill results not from a shortage of prescribing physicians, but from a surplus of doctoral-level psychologists. Also, in my view, some of that surplus, in particular the Psy.D. less established portion, may want to distinguish themselves from non-prescribing psychologists from a marketing and income enhancing viewpoint.

"Psychologists have a great tool, psychotherapy, the power of skillfully used words to change the brain of clients or patients. Words skillfully used have no side effects, whereas medications have often terrible side effects.

"The 2007 LRB report said that patients should be the highest priority. Psychiatrists agree. First, do no harm.

"Medication should not be the first resort for most mental health disorders. For more serious mental health disorders, really brain disorders, such as Bipolar I and Schizophrenia, medications may be absolutely needed, but even when properly used can have severe and permanent side effects such as tardive dyskinesia.

"This bill is the wrong solution.

"I will be requesting that the auditor give us a clear picture of our mental health task force. I will also be requesting a task force to include psychiatrists, psychologists, legislators and other stakeholders to discuss what needs to be done to ensure patient care while preserving safety.

"This bill will just preserve the antagonism between psychologists and psychiatrists, and damage patient safety. The good psychologists who can do psychotherapy well don't need this bill. The result of this bill will be to attract to Hawaii all the failed psychologists who were not very good at talk therapy."

Representative Tokioka rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ing rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1072, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTIVE AUTHORITY FOR CERTAIN PSYCHOLOGISTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Aquino, Creagan, DeCoite, Har, Ing, Jordan, Kawakami, Kobayashi, Oshiro, Thielen, Tokioka, Tsuji, Tupola and Ward voting aye with reservations, with Representatives Cullen, McDermott and Yamane voting no, and with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 546) recommending that H.B. No. 1384, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1384, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Pouha rose to speak in support of the measure, stating:

"I rise in support, Mr. Speaker, just with a few comments. I'm grateful to the chairs who have helped me to protect and to look out for rural communities such as my district. So, thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1384, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 547) recommending that H.B. No. 1482, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1482, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CROWDFUNDING," was referred to the Committee on Finance, with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 548) recommending that H.B. No. 484, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 484, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," was referred to the Committee on Finance, with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 549) recommending that H.B. No. 529, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 529, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ARREST BOOKING PHOTOGRAPHS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 550) recommending that H.B. No. 580, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 580, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSURE OF DURABLE MEDICAL EQUIPMENT SUPPLIERS," was referred to the Committee on Finance, with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 551) recommending that H.B. No. 1017, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1017, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SECURE AND FAIR ENFORCEMENT FOR MORTGAGE LICENSING ACT," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 552) recommending that H.B. No. 1512, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1512, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PERFORMANCE-BASED REGULATION," was referred to the Committee on Finance, with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 553) recommending that H.B. No. 619, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 619, HD 2 be referred to the Committee on Finance, seconded by Representative Evans.

Representative Thielen rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I would like to rise in support but to point out what I believe is a serious omission. Thank you. Mr. Speaker, the way the bill is worded at this point would leave out the HECO-NextEra transaction. And if you refer to page 2 of the bill, where you see the language that is crossed out, it states that, 'no public utility shall', and then 'sell' is crossed out, so it now just reads, 'no public utility shall merge or consolidate with any other public utility without first having secured from the PUC an order authorizing it to do so.'

"The concern I have is that the transaction that is being proposed is a sale. So the same omission occurs down on page 2, line 17 again of the bill, where sale is eliminated. So what the bill covers now is a merger. That's not HECO and NextEra, and I would hope that the Finance Committee could deal with this, and put the word 'sale' back in, or possibly the Chair of CPC could let me know after session what's going on here. Thank you.

"I am for the bill, I want to see standards and opportunity for public participation, so I'm for that, but the way the bill is worded now it won't apply to the biggest issue right before us, which is the sale, because the words 'sell' and 'sale' are eliminated from the language in the bill. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 619, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE MERGER, ACQUISITION, AND CONSOLIDATION OF ELECTRIC UTILITIES," was referred to the Committee on Finance, with Representative Ito being excused.

Representatives McKelvey and Rhoads, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 554) recommending that H.B. No. 730, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 730, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEARINGS," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 555) recommending that H.B. No. 926, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 926, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 556) recommending that H.B. No. 745, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 745, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIDUCIARY ACCESS TO DIGITAL ASSETS," passed Second Reading and was

referred to the Committee on Judiciary, with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 557) recommending that H.B. No. 1126, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1126, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 558) recommending that H.B. No. 630, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 630, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN FINANCE," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 559) recommending that H.B. No. 290, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 290, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 560) recommending that H.B. No. 813, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 813, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF ETHICS," was referred to the Committee on Finance, with Representative Ito being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 561) recommending that H.B. No. 1491, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1491, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 562) recommending that H.B. No. 1408, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1408, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE ROADS," was referred to the Committee on Finance, with Representative Ito being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 563) recommending that H.B. No. 124, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 124, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 564) recommending that H.B. No. 1183, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1183, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Jordan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Har rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1183, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Second Reading and was referred to the Committee on Finance, with Representatives Har and Jordan voting aye with reservations, and with Representative Ito being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 565) recommending that H.B. No. 327, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 327, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 566) recommending that H.B. No. 14, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 14, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Jordan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative LoPresti rose to speak in support of the measure with reservations, stating:

"Standing with strong reservations. Permission to enter comments into the Journal."

Representative LoPresti's written remarks are as follows:

"There is not necessarily a correlation between a large amount of classroom hours and high levels of student achievement. For instance, a September 2014 article in the Atlantic magazine noted that high school teachers in Finland spend 553 hours a year in the classroom and they routinely come out near the top in international benchmarking studies. Japanese teachers spend 500 hours in the classroom and American teachers average 1,051 hours in the classroom per year.

"A wide variety of other factors influence student learning as well. An important one among these is providing teachers with an adequate amount of time to work with their peers, observe their practice, reflect upon it, and integrate what might work well into their own classroom practice. I would support any conception of 'student hours,' whether by statute or collective bargaining, that includes these types of activities."

Representative Tupola rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 14, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Jordan, LoPresti and Tupola voting aye with reservations, and with Representative Ito being excused.

Representative Brower, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 567) recommending that H.B. No. 379, HD 1 be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 379, HD 1 be referred to the Committee on Finance, seconded by Representative Evans.

Representative McDermott rose to speak in opposition to the measure, stating:

"Mr. Speaker, a no vote on this. It's well intended bill. My concern is the nexus between the TAT and this measure. Yeah, a new hospital might increase tourism, I suppose, for medical visitors, but that would have to be a world-renowned hospital, like what is that clinic in the Midwest? Mayo Clinic. But I don't think we'll be there overnight. So, Mr. Speaker, every year we come and we try and nitpick the TAT, we try and pick off bits and pieces here. I just don't think it's a good idea. Though a well-intended measure, and I certainly empathize with folks there, it's more of a principle thing for me."

Representative Jordan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Kawakami rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Tokioka rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ward rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Har rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Belatti rose to speak in support of the measure, stating:

"Mr. Speaker, in support with just a few brief comments. Mr. Speaker, we, this session, are having members from the county councils coming to us, asking us for the GET rail, explaining to us about the strain placed upon their roads, their hospitals, their beaches, because of the tourists who are coming. This I think is an innovative measure that looks at helping our HHSC system move forward. So I thank the introducer of this bill for putting this out on the table and for allowing us to have this conversation. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 379, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCING FOR A NEW HOSPITAL IN NORTH KONA," was referred to the Committee on Finance, with Representatives Har, Jordan, Kawakami, Tokioka and Ward voting aye with reservations, with Representative McDermott voting no, and with Representative Ito being excused.

Representative Brower, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 568) recommending that H.B. No. 1194, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1194, HD 1 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Kawakami rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition and a few brief comments. Thank you, Mr. Speaker. I talked to the author of the bill and she had different intentions, and due to some drafting errors, there's still some work that needs to be done, but currently, Mr. Speaker, the way that the bill is written it takes away home rule and could potentially increase the proliferation of illegal vacation rentals on ag land, increase gentleman estates, increase illegal ag activities, and increase the cost of farming to farmers. Thank you, Mr. Speaker."

Representative DeCoite rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative DeCoite's written remarks are as follows:

"Thank you, Mr. Speaker. I am writing in support of HB 1194, which allows agricultural commerce in an agricultural district. However, I have reservations about the possible consequences of this bill.

"With the growing concern over food safety and food security, agricultural tourism has gained popularity over the recent years. People want to know where their food comes from, they want to see how it is produced and handled, and experience it all first hand. I think this is a good thing, Mr. Speaker, and maybe through agritourism our State can showcase the farming techniques of our local people and teach visitors some things about Native Hawaiians along the way.

"I support agricultural commerce because of its high value to the State, as well as the educational value of agricultural tourism. However, I would like to see the bill specify that the Hawaii Department of Agriculture be responsible for the enforcement and regulation of agricultural commerce activities, including agricultural tourism. The Department has a wealth of knowledge with a diverse range of background and skills, from farmers and ranchers, to professionals at the University of Hawaii. They would have the critical knowledge needed to make the right decisions on all agricultural commerce activities.

"My reservations also stem from a concern that agricultural tourism activities could overtake land needed for agricultural activities by regular local farmers, who are trying to provide the State with the produce and products needed to sustain our islands. Clearly defining what activities agricultural commerce includes, setting regulations requiring products used in agricultural commerce activities be grown in Hawaii, and setting a limit on the number of tourist focused agricultural commerce activities, will address these concerns.

"Mr. Speaker and distinguished Members of this Body, I urge everyone to please take careful consideration of this bill and note my reservations on HB 1194. Thank you."

Representative Jordan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1194, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL COMMERCE," passed Second Reading and was referred to the Committee on Judiciary, with Representatives DeCoite and Jordan voting aye with reservations, with Representative Kawakami voting no, and with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 569) recommending that H.B. No. 702, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 702, HD 1 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Har rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. With reservations and just brief comments, Mr. Speaker. The committee report notes that this measure may have the unintended consequence of deterring people from microchipping their dogs. And that really is the crux of my concern with this measure. Unfortunately, however, the amendments have not addressed the unintended consequence. As a dog owner, I have voluntarily chosen to microchip my dog, because it's the right thing to do. This bill could now have criminal liability to someone who has microchipped their dog, and we haven't addressed that issue. We want to encourage people to microchip their animals instead of disincentivizing them. For those reasons, Mr. Speaker, respectfully I stand with reservations."

Representative Thielen rose in support of the measure with reservations and asked that the remarks of Representative Har be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Kawakami rose in support of the measure with reservations and asked that the remarks of Representative Har be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative San Buenaventura rose in support of the measure with reservations and asked that the remarks of Representative Har be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Oshiro rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Cullen rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 702, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMALS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Cullen, Har, Kawakami, Oshiro, San Buenaventura and Thielen voting aye with reservations, and with Representative Ito being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 570) recommending that H.B. No. 1467, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1467, HD 2 be referred to the Committee on Finance, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, a no vote, Mr. Speaker. This seems to be an anti-HMSA bill that's targeting here, and the Hawaii Health Connector is not sustainable or viable, and I think there are serious doubts that we all should have in this Body. Thank you."

Representative Jordan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Har rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative San Buenaventura rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Tokioka rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Matsumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Fukumoto Chang rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Oshiro rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Tupola rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Cullen rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative DeCoite rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Kawakami rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Pouha rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative McDermott rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Belatti rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. Members, we are going to be having a session-wide conversation, I believe, to understand how we need to harmonize the Affordable Care Act's requirements along with our Prepaid Health Care Act. This is one of those measures. I think we can all agree that the Prepaid Health Care Act is an important foundation for the affordability of healthcare and achievement of the middle class here in Hawaii.

"So while some may characterize this as anti-HMSA, I'm going to say that this is the middle class support system that we have to look after and maintain so that we can ensure affordable healthcare insurance and access to quality healthcare insurance in this State, or quality healthcare services in this State. Thank you, Mr. Speaker."

Representative Ward rose to respond, stating:

"Mr. Speaker, no vote, second time. Mr. Speaker, to spend \$205 million on a website of which we already have with our existing carriers is undefendable.

"Secondly, Mr. Speaker, I think when we look at healthcare in the future, we were promised as far back as five years ago from Senator Inouye that this was going to be an exemption for the Prepaid Health Care Act, ObamaCare was not going to contravene our Prepaid Health Care Act, and we're now trying to jerry-rig, if you will, what otherwise was something that we were going to stand pat with it, we weren't going to go and get all connected with all these other discombobulations, and we were going to say the course of what we set decades ago with the Prepaid Health Care Act.

"Now it's costing us an arm and a leg, \$205 million down, last year we put in \$1.5 million, this year it's going to be more. I don't know how many ways we can rewire something that's broken, we should just get rid of it. We want to keep Prepaid HealthCare Act, that's where our energy, that's where our money should be. Not in this bill. Thank you."

Representative Belatti rose to respond, stating:

"Mr. Speaker, very quickly in rebuttal. And I just want to clarify the record. \$205 million has been granted, but not expended. I would also point out that in the last enrollment that just ended, the Hawaii Health Connector hit the targets that it has proposed for its five-year plan of hitting sustainability, or for its plan for hitting sustainability. So I think we have to, we have to work, until the ACA is torn down, we have to work to

harmonize the Affordable Care Act and the Prepaid Health Care Act, if we want to ensure the existence of the Prepaid Health Care Act. Thank you, Mr. Speaker."

Representative San Buenaventura rose to respond, stating:

"Mr. Speaker, just short comments. I am a small business employer with a handful of employees. The ACA increased my group health insurance by 50%. This bill removes the cheapest form, which is the silver plan, for us small business employers. And as such, it's with reservations I vote on this. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1467, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH CONNECTOR," was referred to the Committee on Finance, with Representatives Cullen, DeCoite, Fukumoto Chang, Har, Jordan, Kawakami, Matsumoto, Oshiro, Pouha, San Buenaventura and Tokioka voting aye with reservations, with Representatives McDermott, Thielen, Tupola and Ward voting no, and with Representative Ito being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 571) recommending that H.B. No. 458, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 458, HD 1 pass Second Reading and be referred to the Committee on Education, seconded by Representative Evans.

Representative McDermott rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I have reservations on this one, and I would suggest that these communications that are given to the schools are medically accurate. I would also suggest, most parents don't know what the human papillomavirus is. Perhaps they should use the street name. What it's called commonly is 'genital warts'. That might get their attention. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 458, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Education, with Representative McDermott voting aye with reservations, and with Representative Ito being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 572) recommending that H.B. No. 631, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 631, HD 1 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative McDermott rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'm going to cast a no vote on this. Mr. Speaker, someone who is born a man and wants to be a woman, cannot do it. You are biologically a man. We are doing a disservice to these folks to affirm their mental disorder, their gender identity disorder, by allowing them to change their birth certificate. This is nonsense. But don't take my word for it, take the former head of psychiatry at John Hopkins University, which pioneered sex change surgery back in the '70s.

"Quote, 'policy makers and the media are doing no favors either to the public or the transgendered by treating their confusions as a right in need of defending rather than as a mental disorder that deserves understanding, treatment and prevention. This intensely felt sense of being transgendered constitutes a mental disorder in two respects. The first is that the idea of sex misalignment is simply mistaken—it does not correspond with

physical reality. The second is that it can lead to grim psychological outcomes.'

"He further goes on, 'The transgendered suffer a disorder of "assumption" like those in other disorders familiar to psychiatrists. With the transgendered, the disordered assumption is that the individual differs from what seems given in nature—namely one's maleness or femaleness. Other kinds of disordered assumptions are held by those who suffer from anorexia and bulimia nervosa, where the assumption that departs from physical reality is the belief by the dangerously thin that they are overweight,' unquote.

"I'd like the permission to insert more comments into the Journal, Mr. Speaker. But this just does not correspond with reality. This is more social engineering, more breaking down normalcy, more breaking down boundaries in the name of what? I don't know."

Representative McDermott's written remarks are as follows:

"During my Floor speech, I quoted from a former Johns Hopkins psychiatrist. The name of the psychiatrist is Dr. Paul McHugh. His comments may be found in his June 12, 2014 Wall Street Journal online column entitled: 'Transgender Surgery Isn't the Solution', which is attached.

"I would also note that this bill prohibits any marking or designation that the new birth certificate was 'amended'. This is not only a denial of reality, it is self-censorship."

Representative McDermott also submitted the following opinion piece from *The Wall Street Journal*:

"Transgender Surgery Isn't the Solution

A drastic physical change doesn't address underlying psycho-social troubles.

By PAUL MCHUGH

June 12, 2014 7:19 p.m. ET

The government and media alliance advancing the transgender cause has gone into overdrive in recent weeks. On May 30, a U.S. Department of Health and Human Services review board ruled that Medicare can pay for the "reassignment" surgery sought by the transgendered—those who say that they don't identify with their biological sex. Earlier last month Defense Secretary Chuck Hagel said that he was "open" to lifting a ban on transgender individuals serving in the military. Time magazine, seeing the trend, ran a cover story for its June 9 issue called "The Transgender Tipping Point: America's next civil rights frontier."

Yet policy makers and the media are doing no favors either to the public or the transgendered by treating their confusions as a right in need of defending rather than as a mental disorder that deserves understanding, treatment and prevention. This intensely felt sense of being transgendered constitutes a mental disorder in two respects. The first is that the idea of sex misalignment is simply mistaken—it does not correspond with physical reality. The second is that it can lead to grim psychological outcomes.

The transgendered suffer a disorder of "assumption" like those in other disorders familiar to psychiatrists. With the transgendered, the disordered assumption is that the individual differs from what seems given in nature—namely one's maleness or femaleness. Other kinds of disordered assumptions are held by those who suffer from anorexia and bulimia nervosa, where the assumption that departs from physical reality is the belief by the dangerously thin that they are overweight.

With body dysmorphic disorder, an often socially crippling condition, the individual is consumed by the assumption "I'm ugly." These disorders occur in subjects who have come to believe that some of their psycho-social conflicts or problems will be resolved if they can change the way that they appear to others. Such ideas work like ruling passions in their subjects' minds and tend to be accompanied by a solipsistic argument.

For the transgendered, this argument holds that one's feeling of "gender" is a conscious, subjective sense that, being in one's mind, cannot be



questioned by others. The individual often seeks not just society's tolerance of this "personal truth" but affirmation of it. Here rests the support for "transgender equality," the demands for government payment for medical and surgical treatments, and for access to all sex-based public roles and privileges.

With this argument, advocates for the transgendered have persuaded several states—including California, New Jersey and Massachusetts—to pass laws barring psychiatrists, even with parental permission, from striving to restore natural gender feelings to a transgender minor. That government can intrude into parents' rights to seek help in guiding their children indicates how powerful these advocates have become.

How to respond? Psychiatrists obviously must challenge the solipsistic concept that what is in the mind cannot be questioned. Disorders of consciousness, after all, represent psychiatry's domain; declaring them off-limits would eliminate the field. Many will recall how, in the 1990s, an accusation of parental sex abuse of children was deemed unquestionable by the solipsists of the "recovered memory" craze.

You won't hear it from those championing transgender equality, but controlled and follow-up studies reveal fundamental problems with this movement. When children who reported transgender feelings were tracked without medical or surgical treatment at both Vanderbilt University and London's Portman Clinic, 70%-80% of them spontaneously lost those feelings. Some 25% did have persisting feelings; what differentiates those individuals remains to be discerned.

We at Johns Hopkins University—which in the 1960s was the first American medical center to venture into "sex-reassignment surgery"—launched a study in the 1970s comparing the outcomes of transgendered people who had the surgery with the outcomes of those who did not. Most of the surgically treated patients described themselves as "satisfied" by the results, but their subsequent psycho-social adjustments were no better than those who didn't have the surgery. And so at Hopkins we stopped doing sex-reassignment surgery, since producing a "satisfied" but still troubled patient seemed an inadequate reason for surgically amputating normal organs.

It now appears that our long-ago decision was a wise one. A 2011 study at the Karolinska Institute in Sweden produced the most illuminating results yet regarding the transgendered, evidence that should give advocates pause. The long-term study—up to 30 years—followed 324 people who had sex-reassignment surgery. The study revealed that beginning about 10 years after having the surgery, the transgendered began to experience increasing mental difficulties. Most shockingly, their suicide mortality rose almost 20-fold above the comparable nontransgender population. This disturbing result has as yet no explanation but probably reflects the growing sense of isolation reported by the aging transgendered after surgery. The high suicide rate certainly challenges the surgery prescription.

There are subgroups of the transgendered, and for none does "reassignment" seem apt. One group includes male prisoners like Pvt. Bradley Manning, the convicted national-security leaker who now wishes to be called Chelsea. Facing long sentences and the rigors of a men's prison, they have an obvious motive for wanting to change their sex and hence their prison. Given that they committed their crimes as males, they should be punished as such; after serving their time, they will be free to reconsider their gender.

Another subgroup consists of young men and women susceptible to suggestion from "everything is normal" sex education, amplified by Internet chat groups. These are the transgender subjects most like anorexia nervosa patients: They become persuaded that seeking a drastic physical change will banish their psycho-social problems. "Diversity" counselors in their schools, rather like cult leaders, may encourage these young people to distance themselves from their families and offer advice on rebutting arguments against having transgender surgery. Treatments here must begin with removing the young person from the suggestive environment and offering a counter-message in family therapy.

Then there is the subgroup of very young, often prepubescent children who notice distinct sex roles in the culture and, exploring how they fit in, begin imitating the opposite sex. Misguided doctors at medical centers including Boston's Children's Hospital have begun trying to treat this behavior by administering puberty-delaying hormones to render later sex-change surgeries less onerous—even though the drugs stunt the

children's growth and risk causing sterility. Given that close to 80% of such children would abandon their confusion and grow naturally into adult life if untreated, these medical interventions come close to child abuse. A better way to help these children: with devoted parenting.

At the heart of the problem is confusion over the nature of the transgendered. "Sex change" is biologically impossible. People who undergo sex-reassignment surgery do not change from men to women or vice versa. Rather, they become feminized men or masculinized women. Claiming that this is civil-rights matter and encouraging surgical intervention is in reality to collaborate with and promote a mental disorder.

*Dr. McHugh, former psychiatrist in chief at Johns Hopkins Hospital, is the author of "Try to Remember: Psychiatry's Clash Over Meaning, Memory, and Mind" (Dana Press, 2008)."*

Representative Har rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Cullen rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ward rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Oshiro rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Tokioka rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Matsumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Yamane rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Pouha rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Fukumoto Chang rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Aquino rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 631, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CERTIFICATES OF BIRTH," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Aquino, Cullen, Fukumoto Chang, Har, Matsumoto, Oshiro, Pouha, Tokioka, Ward and Yamane voting aye with reservations, with Representative McDermott voting no, and with Representative Ito being excused.

Representatives Belatti and Rhoads, for the Committee on Health and the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 573) recommending that H.B. No. 321, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committees be adopted, and that H.B. No. 321, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Kawakami rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. Reservations, brief remarks. Some of my colleagues may be surprised to see me going reservations on this bill, but I just have reservations that it takes away home rule. It doesn't allow the counties to be a part of the discussion of appropriate areas for these types of establishments. Thank you."

Representative McDermott rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm going to cast a no vote on this, Mr. Speaker. The county home rule is a big one, previous speaker mentioned that. We go from zero to 26 dispensaries just like that. Do we need 26 dispensaries, Mr. Speaker? I have no problem with a little boy or girl who has seizures consuming this medicine. I have no problem with a 45-year-old guy who has leukemia who wants to light up, go for it. I don't have a problem.

"Mr. Speaker, it might surprise you to know that in my youth I tried marijuana. I inhaled. With enthusiasm. In fact, a lot of the folks here, every time I get in the elevator they say, McDermott, are you high? I say, no. After listening to my comments today, I'm sure some of them feel that way.

"But, Mr. Speaker, we're going from zero to 26. My fear is this, Mr. Speaker, that this is a Trojan horse for full legalization three years from now. We'll come back in and we say we already have the infrastructure in place and we're going to legalize it. In Colorado, what's happening is that because they legalized it, they figured the cartels would go away. They just switched to cocaine. But that's a discussion for another day.

"I've got no problem with legit medicine. Mr. Speaker, Tylenol 3 is prescribed thousands of times a day. But a pharmacy just selling Tylenol 3 as a standalone could not survive. So I don't see how this business model for this is going to work, unless everybody all of a sudden comes down with soft tissue injury in the back. Oh, I got pain.

"For legit folks, I've got no problem with it. But we're opening the door, I think the dirty secret is this is just the mechanics to come back for legalization in three years, perhaps. So I'm going to put my Nostradamus hat on and predict that. And I'd like to end on a little bit of a higher note. Thank you."

Representative Jordan rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, please note my reservations on this measure. I'd like to thank the Health Chair for doing such great work over the interim and through this session with this measure. I hope that by the time that we get to the end of session, we have a great bill that we all can stand here and vote up on.

"I can't express how many people could use this. We've had a program for 15 years where people can't get their prescribed medication. I totally understand why we may authorize up to 26 dispensaries. We would need to have one on each island. When we're talking about landmass islands such as Hawaii Island or Oahu, we might need more than just one on those particular islands.

"I understand the Representative from Kauai has concerns with home rule. I do have some of those concerns with this measure. But again, as we get towards the ending of this session, I think we will come up with a measure that will work on both sides of these Bodies in this particular building. Thank you, Mr. Speaker."

Representative Johanson rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Cullen rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Yamane rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Cachola rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Har rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, no vote and a brief comment. Mr. Speaker, if this is for medical marijuana, which I believe it's fully for medical marijuana, if it's a medicine, let's treat it as medical things are treated. If it's medical marijuana, let's treat it as a medicine. Treating it as a medicine means you're in a clinic, or you're in a pharmacy, or in a hospital dispensary. Why are we going to go set up as they did after Prohibition, state liquor stores, as all of the states got in the business of liquor stores. And you know how good the State is in getting into business. I think we know some of the things that we're trying to do now that we're not doing very well.

"So, Mr. Speaker, this bill in a way, as my colleague from Ewa Beach says, maybe where we're setting it up to do something else, but I would say before we take any leap or steps forward, let's look at what's going on in Colorado. Let's look at what's going on in these other states. Maybe there's a better way of doing it, and you can go to Longs. And there's not 23 Longs, there's probably, how many Longs/CVS are there, 50? You can have access on every street corner, the way it is now.

"So let's treat it as a medicine, and I'm sure there are manufacturers, I hear the tobacco companies are ready to get into this and diversify into marijuana, if it's legal. Let's use the private sector, let's not use government funds and get into government dispensaries. Let's do it the right way, the way the market does it. So, Mr. Speaker, again if it's medical, let's treat it as a medicine and do accordingly. Thank you."

Representative Oshiro rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Oshiro's written remarks are as follows:

"Mr. Speaker, I am rising to speak in support of this measure but with strong reservations and concerns.

"First, however, let me extend my sincere appreciation to the Chair of the Health Committee, who has obviously considered many of the suggestions and ideas from the public hearing and attempted to be accommodating to all stakeholders and even incorporating several ideas into this revised draft. Noteworthy are some other ideas that although not presented at the public hearing, nonetheless, in my opinion, improves the bill, addressing health and safety concerns and those of law enforcement. Truthfully, if not for her work on the present draft, and more important, her obvious recognition and appreciation of the perils to the health and safety of the community, as expressed in parts of this draft, I would be standing in strong opposition, instead of offering these comments in moderate and conditional support. In particular, her decision to limit the types of marijuana products available for sale at the dispensaries to only pills, capsules, tinctures and oils, is one of the policy choices that I applaud and endorse. I also provide my conditional support for this measure due to her insight and understanding of another medical marijuana measure that purports to limit the number of plants that can be grown on a particular Tax Map Key property designation.

"Second, it is important to know that I am not standing against the general policy that was established over 15 years ago during the 2000 Regular Legislative Session. As your Majority Leader, I was both an advocate and defender of establishing the policy that essentially, except for amount of plants and amount of usable marijuana one may possess, has remained unchanged over the 15 years. Similarly, I am also not opposed to the legitimate and medically based use of marijuana for those medical and disease conditions set forth in the current law, although it should be reviewed to ascertain whether exaggerated abuse arises from overly broad definitions and interpretations. Recalling the community debates and Floor discussions, many of us felt that people with serious and grave illnesses and diseases such as cancer, AIDS/HIV, wasting disease, severe epilepsy, etc. should have access to limited quantities of marijuana pursuant to a bona fide recommendation of a Hawaii licensed medical doctor.

"My own personal stories of my law clients dying of AIDS and cancer provided strong impetus for my decisions. The law allowed the patient to grow or have another grow a specific amount of marijuana for him or her,

and was designed to provide a 'shield' against the criminal possession and distribution of marijuana under Hawaii State law. As a former Deputy Prosecuting Attorney, I clearly understood the purpose of the law and how it changed Hawaii criminal law while still recognizing the federal law criminalizing any possession or use of marijuana.

"But, also important was my reference point of these discussions that arose from my own personal experience and experimentation with marijuana as a teenager and college student in the 1970s and early '80s. I was, like many of my peers, exposed to marijuana in the form of 'joints' or 'bong hits' or as 'brownies' or 'hash'. There was no idea or even a hint of 'medical marijuana', and marijuana was simply known as 'weed' or 'grass' or 'pot' or 'pakaololo', and getting 'stoned' was akin to drinking lots of beer, glasses of wine and getting drunk. As such, my personal experiences of over 35 years ago that informed my understanding and deliberation some 15 years ago is far different from the type and kind of marijuana available today and various 'new' forms and means of ingesting marijuana.

"As many in the business say today, 'This is not the marijuana of your parents and grandparents.' Indeed, with a Tetrahydrocannabinol or THC level ranging from 15-25%, compared to the same marijuana in the '70s and '80s, any simple comparisons are inaccurate. Furthermore, additional methods of ingestion, including edible forms of candy, ice cream, pastries, cookies, beverages, lotions, tinctures, and hundreds of other forms of food or snack-like products reveal how things have changed over time. Likewise, with the new technology and chemical-based extraction and baking methods, marijuana is now produced and consumed in forms similar to 'crack' cocaine or methamphetamine. The days of the Zig-Zag rolling paper, matchbook 'crutch' and 'roach clip', are passed us. Indeed, modernity has forever changed how marijuana is grown, processed, manufactured and consumed.

"Consequently, as a legislator attempting to fashion prudent and proper public policy, I am curious and intrigued by the grand social and cultural experiments occurring daily in Colorado, Arizona, New Mexico, Washington, and the 23 or so other states where medical marijuana and/or marijuana is legal. The lessons from these states, being exposed and taught, are relatively new to me and many of my constituents, and the facts and data, although somewhat incomplete or indeterminate, suggest that there are some serious negative affects being imposed upon young children, families and communities, and they honestly raise additional concerns for me regarding HB 321 and HB 321, HD 1. I think many of my colleagues share this concern with me. They know that taking marijuana to the commercial and retail level is a major policy decision. One that we should not rush into without counting the true cost and knowing the steep price we are willing to pay.

"With this understanding of the context from where my tepid support arises, the following is my list of 9 observations and/or suggestions I believe deserve further consideration and adoption in some form or other. These 9 items, however, are not the be-all or end-all of other ideas, suggestions and options, but reflect my sincere attempt to be helpful and of help in this far-reaching and irrefutable public policy determination for Hawaii today and tomorrow. For your further consideration I respectfully submit.

- 1) All licenses to grow or sell marijuana should be restricted to Hawaii residents who can demonstrate a minimum of two (2) years residency. Several states have this in their laws, and it may serve, at least initially, to hold back the foreign or Mainland interest seeking business opportunities in Hawaii. This limited and discretionary license authority should stand a constitutional challenge as it comes under the State's general police powers. The point again, is to stem the initial flood of out-of-state money interest and provide a slight advantage to local farmers and entrepreneurs. This 'speed bump' will hopefully provide local regulations and stakeholders to refine both laws and policies to avoid exploitation of our limited land and water and labor resources by outside and foreign interest. *These residency requirements can be found in the laws of both Colorado and New York.*
- 2) Once commercial licensed growers are producing and dispensaries are selling marijuana, home-grown cultivation and production must be

banned. This policy will address one of the major problems facing law enforcement and address concerns of 'black' or 'gray' market production and sales. It is also consistent with the traditional handling and regulation of pharmaceutical medicines that most citizens accept and from where most people obtain their medicines. Like most medicines, retail marijuana must meet rigid drug and food safety standards, but purity and dosage is consistent and reliable. Of course, a very small exception can be made for those patients living more than 'X miles' from a dispensary. In a nutshell, this policy may enable the State of Hawaii to greatly curtail the diversion of marijuana to minors, involvement of criminal enterprises, increased adverse public safety and environmental dangers, out-of-state transport and shipment of marijuana, and related offenses which draw the attention of Federal Law Enforcement officials pursuant to the Memorandum for All United States Attorneys, James M. Cole, Deputy Attorney General, Guidance Regarding Marijuana Enforcement, August 29, 2013. *This is the law in several states, including Connecticut, Delaware, Illinois, Maryland, Minnesota, New Hampshire, New Jersey and New York.*

- 3) Both the growing and selling of marijuana should be regulated in a 'closed system' that ties a specific cardholder and proscribed limitations to a specific grower/retailer. This means that a patient issued a marijuana card would have to select from a list of licensed growers/retailers who will be given the authority to be the surrogate 'caregiver' and therefore grow and process the marijuana exclusively for that person. The patient would then have access to a safe and secure marijuana source catering to the person's unique medical needs, method(s) of consumption, and levels of THC and/or CBD or both. This model would serve the needs of children whose rare medical conditions require specific strains, quantities and dosage. This one-to-one growing and selling limits the inventory of marijuana by capping the amount to the maximum amount allotted for each registered patient. Consequently, this policy addresses a major criticism of 'open systems' that leads to overproduction of marijuana and unlimited sales, and therein addresses a major concern of law enforcement and substance abuse professionals. *States with a 'closed system' include Colorado, Connecticut, Delaware, Illinois, New Hampshire, New Jersey, Vermont and Washington D.C., and it deserves serious consideration.*
- 4) Counties must be given the opportunity to restrict or prohibit the growing or selling of marijuana under the home rule principle. In the alternative, if not the power to collectively decide to prohibit the establishment of a dispensary within the county boundaries, then grant them the power to regulate the time, place and manner of dispensary and production center operations through local ordinances. Denial of local input and the zoning authority customarily associated with the several counties will lead to practical land use and compatibility disputes among users and may even generate law suits to challenge overly burdensome state laws and policies. *States which explicitly state that regulations are up to the county include California, Colorado, Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Mexico, New York, Oregon, Rhode Island, Vermont and Washington D.C.*
- 5) Funds must be provided for County and State Law Enforcement and marijuana abuse prevention and treatment programs and services. There is no dispute that medical marijuana dispensaries and growing facilities will necessitate an increase in funding and staffing for law enforcement and adult and children substance abuse and treatment programs and services, although little discussion or 'conversation' has taken place among the task force participants or in public hearings. Thus it stands to reason that additional funds must be provided to the appropriate law enforcement agencies and/or departments for disbursements to and for local county fire, police and emergency medical services personnel. Similarly, the State Departments of Education, Health, Human Services, should also be assured additional funds to prepare for the expected and anticipated additional health costs. Additional costs should also be expected for the State of Hawaii Judiciary due to increase in juvenile, domestic and traffic related cases. *States that have prepared for the obvious consequences and established funding provisions in their law include Colorado, Illinois and New York.*

- 6) Providing marijuana to minors should be treated similar to the offense of promoting liquor to a person under the age of 21, as established in HRS 712-1150.5. Treatment of unauthorized possession and use of medical marijuana by minors must bear the same serious criminal charges as alcohol, as both are dangerous to young developing brains and pose an especially lethal mixture of driving under the influence with alcohol.

A 38-year National Institutes of Health-funded study showed that people who used cannabis heavily in their teens and continued through adulthood showed a significant drop in IQ between the ages of 13 and 38 — an average of eight points for those who met criteria for cannabis dependence. Those who used marijuana heavily before age 18 (when the brain is still developing) showed impaired mental abilities even after they quit taking the drug. These findings are consistent with other studies showing a link between prolonged marijuana use and cognitive or neural impairment.

There are serious and known dangers of teens using marijuana and with an increase in availability and use, further measures to deter promotion and transfer to minors must be considered. One in five teen drivers surveyed in a recent poll has admitted to driving under the influence of marijuana, according to a recent study by Liberty Mutual Insurance and Students Against Destructive Decisions (SADD). And many of these teenagers don't seem to think driving while high is a big deal. Thirty-six percent of teens who have driven high say marijuana doesn't distract them from driving, the report continues. But marijuana does seem to affect drivers. Pot is the most common illegal drug found in drivers who die in car accidents, according to 'Marijuana: Facts for Teens,' a booklet published in 2001 and most recently revised in March 2011 by the National Institute on Drug Abuse (NIDA).

In California, the largest increases in vehicular fatalities occurred in the five years following the establishment of the Medical Marijuana Program in January 2004. For the five years following legalization there were 1,240 fatalities in fatal crashes, compared to the 631 fatalities for the five years prior, for an increase of almost 100%.

- 7) Limit licenses to grow and or sell to Hawaii registered not-for-profits or sustainable business corporations. The general idea is to curb the customary exclusive shareholder profit motive for the commercial growing and selling of retail marijuana. The marijuana commercial industrial complex is a multi-national billion dollar business already influenced and controlled by 'Big' tobacco like Phillip Morris, British American Tobacco, Imperial, Japan Tobacco, etc., and pharmaceutical and chemical giants like Monsanto, Syngenta, BASF, Bayer, Dow and DuPont. Commercial cultivation and production of marijuana products has become the 'new' tobacco product for BIG TOBACCO. As some may know, the sustainable business corporations ('SBCs') or socially responsible corporations ('SRCs'), is a business model that allows the operators and managers to legally consider the environmental, community, labor, resource, investors, and doctors and patients interest for a 'triple-bottom-line' business venture [§420D-5]. Marijuana dispensaries. The Hawaii Revised Statutes Chapter 414 provides the law and examples of current examples of Hawaii sustainable business corporations, including Sustainable Island Products, Blue Planet Foundation, Distribute Energy Partners, 21st Century Technologies, Hawaii Energy Connection, Haleiwa Farmers' Market, and Lex Brodie's Tire Company. If Hawaii wanted to be the first and lead the Nation, we have a good law on the books and could have a diverse group of stakeholders to run and manage the sustainable business corporation for medical marijuana.

- 8) Explicitly prohibit any medical marijuana reciprocity provision between Hawaii and other states and countries. There should not be any reciprocity provision for patients with medical marijuana cards of other states and countries. If commercial marijuana dispensaries are enacted into law, we should limit and carefully monitor and evaluate any and all foreseeable and unforeseeable effects of legalized growing and selling of retail marijuana under the medical marijuana regime. Given the uncertainty of any regulatory program and the risks inherent in this new policy of commercial growing and sale, Hawaii should take a precautionary approach and limit any unnecessary exposure and

risk to its citizens and general populations. *For example, reciprocity provisions do not presently exist in Alaska, California, Colorado, Connecticut, Delaware, Illinois, Maryland, Minnesota, Montana, New Jersey, New Mexico, New York, Vermont, Washington and Washington D.C.*

- 9) Any medical marijuana program should be a pilot program with a sunset date. Hawaii should compel a legislative review and assessment for any medical marijuana dispensary law by enacting a sunset date whereby the law will be repealed in total unless extended by legislative enactment. This is a traditional and customary practice whenever the Hawaii Legislature has approved a policy declaration but may not be certain of its efficacy or adoption by a wider statewide constituency. Additionally, we should also consider a review of the regulator protocols and regulations by the Legislative Reference Bureau or State Legislative Auditor, a few years after enactment to ensure a third-party review of the law, rules and regulations. *For example, Colorado's Legislature approved its law in 2010, but established a sunset in 2016, whereby a review by the Colorado Department of Regulatory Agencies was conducted in 2014. The 2014 Sunset Review: Colorado Medical Marijuana Code, Office of Policy, Research and Regulatory Reform, October 15, 2014, contains 15 recommendations for the Colorado Legislature to consider. One of the recommendations is to continue the Colorado law until 2019, and thereby set up another review by the regulatory agency. Other examples include Illinois, which enacted its regulatory statutes as a pilot program with a four-year sunset date, and New York with a seven-year sunset date.*

"Mr. Speaker, thank you for this opportunity to vote my conscience and bring forth my observations and concerns on this important matter. As always I stand ready to serve this Chamber in any way I may in our mutual pursuit to better our communities and their futures, and in seeking and perpetuating the best Hawaii has to offer the world. Aloha."

Representative Matsumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Fukumoto Chang rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Tupola rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. Reservations please, and a brief comment. I thank the Chair for all her hard work. I hope that, as well as my colleague from Waiānae, that things can roll out to massage this into something that can work for the people who have been waiting for a long time to have better access to medicine that they need. Thank you."

Representative Aquino rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Aquino's written remarks are as follows:

"Mr. Speaker, with reservations on HB 321, HD1. Mr. Speaker, my main concerns with this measure stems from the number of dispensaries. On one hand, the bill authorizes the Department of Health to determine the number of dispensaries statewide. However, the bill also stipulates and mandates that at least 26 dispensary licenses should be distributors of these facilities by January 2019.

"First, this is confusing language as to who determines the number of facilities. Secondly, going from zero facilities in 2015 to at least 26 in less than four years seems to be accelerated and quite hasty. Mr. Speaker, I believe that there should be further clarity before we push aggressively ahead and provide these facilities for patients and caregivers. Thank you."

Representative Pouha rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Creagan rose to speak in support of the measure, stating:

ROUGH DRAFT

"Thank you, Mr. Speaker. I am voting in support of this measure. The marijuana task force has done a great job. It's incomplete. We still need to finish that job, and I think we're making great headway on that. I agree with one of my Minority colleagues that it would be better if this was more normalized and treated as a medicine and was available in pharmacies. Because of its position, inappropriate position, I believe, in Schedule I of the federal statutes, we can't do that.

"Marinol, which is basically THC, most psychoactive component, is a Schedule III drug, and is available in every pharmacy in unlimited quantities for any indication. And I think that we should think about marijuana in that way, that it should be able to be prescribed for any indication. In the meantime, we can keep a registry of what things it was being used for without identifying the patients. Anyway, thank you, Mr. Speaker."

Representative McKelvey rose in support of the measure and asked that the remarks of Representative Creagan be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Ing rose to speak in support of the measure, stating:

"Mr. Speaker, in support. I would also like the words of the Representative from the Big Island entered into the Journal as if they were my own.

"I also want to mention that Michigan State, a couple years ago, did legalize the getting of medical marijuana from pharmacies, although it's going to be contingent on the reclassification of the drug federally. That's something that, along with the Representative from Hawaii Kai's comments, something that we could look into doing as well in Hawaii. But the first step is dispensary system if we are serious about allowing the use of marijuana for medicine. Thank you."

Representative LoPresti rose in support of the measure and asked that the remarks of Representative Creagan be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Thielen rose in support of the measure and asked that the remarks of Representative Creagan be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Mizuno rose in support of the measure and asked that the remarks of Representative Creagan be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 321, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL MARIJUANA," passed Second Reading and was referred to the Committee on Finance, with Representatives Aquino, Cachola, Cullen, Fukumoto Chang, Har, Johanson, Jordan, Kawakami, Matsumoto, Oshiro, Pouha, Tupola and Yamane voting aye with reservations, with Representatives McDermott and Ward voting no, and with Representative Ito being excused.

Representative Ing, for the Committee on Ocean, Marine Resources, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 574) recommending that H.B. No. 142, HD 1 be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 142, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING ON HAWAIIAN HOME LANDS," was referred to the Committee on Finance, with Representative Ito being excused.

Representative Ing, for the Committee on Ocean, Marine Resources, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 575) recommending that H.B. No. 1297 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1297,

entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Second Reading and was referred to the Committee on Judiciary, with Representative Ito being excused.

Representative Ing, for the Committee on Ocean, Marine Resources, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 576) recommending that H.B. No. 720, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 720, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE WEST MAUI OCEAN RECREATION MANAGEMENT AREA," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Ing, for the Committee on Ocean, Marine Resources, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 577) recommending that H.B. No. 1339, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1339, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SHARK AND MANTA RAY PROTECTION," passed Second Reading and was referred to the Committee on Judiciary, with Representative Ito being excused.

At 2:33 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:34 o'clock p.m.

## SUPPLEMENTAL CALENDAR #1

### INTRODUCTION OF RESOLUTIONS

The following resolution (H.R. No. 20) was announced by the Clerk and the following action taken:

H.R. No. 20, entitled: "HOUSE RESOLUTION RELATING TO THE COMMITTEE ASSIGNMENTS OF THE HOUSE OF REPRESENTATIVES OF THE TWENTY-EIGHTH LEGISLATURE," was jointly offered by Representatives Saiki and Evans.

On motion by Representative Saiki, seconded by Representative Evans and carried, H.R. No. 20 was adopted, with Representatives Ichiyama, Ito, Tokioka and Yamane being excused.

## ORDINARY CALENDAR

### INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 17 through 19) and concurrent resolutions (H.C.R. Nos. 43 through 45) were referred to Printing and further action was deferred:

H.R. No. 17, entitled: "HOUSE RESOLUTION REQUESTING THE HONOLULU POLICE DEPARTMENT TO ESTABLISH A FAMILY VIOLENCE UNIT STAFFED WITH OFFICERS SPECIFICALLY TRAINED TO HANDLE ALL COMPLAINTS OF FAMILY VIOLENCE," was jointly offered by Representatives Ichiyama, Belatti, Evans, Fukumoto Chang, Lowen, Luke, Matsumoto, Morikawa, Thielen, Jordan and San Buenaventura.

H.R. No. 18, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO AFFIRM ITS COMMITMENT TO ENDING ALL FORMS OF SEXUAL VIOLENCE, SEXUAL HARASSMENT, DATING VIOLENCE, DOMESTIC VIOLENCE, AND STALKING ON HAWAII CAMPUSES," was jointly offered by Representatives Ichiyama, Belatti, Evans, Fukumoto Chang, Jordan, Lowen, Luke, Matsumoto, Morikawa, Thielen, San Buenaventura and Tupola.

H.R. No. 19, entitled: "HOUSE RESOLUTION REQUESTING THE STATE DEPARTMENT OF DEFENSE TO ESTABLISH AND FUND A VETERAN WOMEN SERVICES COORDINATOR POSITION WITHIN THE OFFICE OF VETERANS' SERVICES," was jointly offered by Representatives Ichiyama, Belatti, Evans, Fukumoto Chang, Jordan, Lowen, Luke, Matsumoto, Morikawa, Thielen, San Buenaventura and Tupola.

H.C.R. No. 43, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HONOLULU POLICE DEPARTMENT TO ESTABLISH A FAMILY VIOLENCE UNIT STAFFED WITH OFFICERS SPECIFICALLY TRAINED TO HANDLE ALL COMPLAINTS OF FAMILY VIOLENCE," was jointly offered by Representatives Ichiyama, Belatti, Evans, Fukumoto Chang, Lowen, Luke, Matsumoto, Morikawa, Thielen, Jordan and San Buenaventura.

H.C.R. No. 44, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO AFFIRM ITS COMMITMENT TO ENDING ALL FORMS OF SEXUAL VIOLENCE, SEXUAL HARASSMENT, DATING VIOLENCE, DOMESTIC VIOLENCE, AND STALKING ON HAWAII CAMPUSES," was jointly offered by Representatives Ichiyama, Belatti, Evans, Fukumoto Chang, Jordan, Lowen, Luke, Matsumoto, Morikawa, Thielen, San Buenaventura and Tupola.

H.C.R. No. 45, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENT OF DEFENSE TO ESTABLISH AND FUND A VETERAN WOMEN SERVICES COORDINATOR POSITION WITHIN THE OFFICE OF VETERANS' SERVICES," was jointly offered by Representatives Ichiyama, Belatti, Evans, Fukumoto Chang, Jordan, Lowen, Luke, Matsumoto, Morikawa, Thielen, San Buenaventura and Tupola.

#### ANNOUNCEMENTS

##### COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

##### H.R. Nos.

##### Referred to:

- 16 Jointly to the Committee on Economic Development & Business and the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, then to the Committee on Finance
- 17 Committee on Judiciary
- 18 Committee on Higher Education, then to the Committee on Judiciary
- 19 Committee on Veterans, Military, & International Affairs, & Culture and the Arts, then to the Committee on Judiciary

##### H.C.R. Nos.

##### Referred to:

- 41 Committee on Transportation, then to the Committee on Finance

- 42 Jointly to the Committee on Economic Development & Business and the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, then to the Committee on Finance
- 43 Committee on Judiciary
- 44 Committee on Higher Education, then to the Committee on Judiciary
- 45 Committee on Veterans, Military, & International Affairs, & Culture and the Arts, then to the Committee on Judiciary

#### COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

##### H.B. Nos.

##### Re-referred to:

- 623, HD1 Committee on Energy & Environmental Protection, then to the Committee on Finance
- 1370, HD1 Committee on Labor & Public Employment, then to the Committee on Finance
- 1478, HD1 Committee on Ocean, Marine Resources, & Hawaiian Affairs, then to the Committee on Finance

#### ADJOURNMENT

At 2:35 o'clock p.m., on motion by Representative Evans, seconded by Representative Tupola and carried, the House of Representatives adjourned until 12:00 o'clock noon, Monday, February 23, 2015. (Representatives Ichiyama, Ito, Lowen, Tokioka and Yamane were excused.)